



City of Westminster

Mr Frank Zola
By email only

Information Management Team
Westminster City Council
64 Victoria Street
London
SW1E 6QP
Telephone 0207 641 3921
Email foi@westminster.gov.uk

Our ref: 11618449

Your ref:

Date: 2 January 2020

Dear Mr Zola

Re: Request for Internal Review – 11618449

Thank you for your correspondence dated 23 October 2019 regarding the response to your recent request to the Council (11618449).

In your correspondence you expressed dissatisfaction with the handling of your Freedom of Information Request on the grounds that the council did not communicate the requested information.

Internal Review Procedure

I am sorry that you are dissatisfied with our handling of your requests and I have investigated your complaint in accordance with the Section 45 Code of Practice.

Should you remain dissatisfied with the handling of your request, you are entitled to contact the Information Commissioner under Section 50 of the Freedom of Information Act 2000. The contact details are provided at the end of this letter.

Response

Background

On 28 September 2019 the council received your request for the following:

*“Can you please email me a copy of any agreements/Memorandum of Understanding and personal data disclosure forms and forms guidance and disclosure procedural guidance and policy you hold concerning
[1] 'Disclosure of Personal Information from DWP to the Westminster City Council'
and
[2] 'Disclosure of Personal Information from the Westminster City Council to DWP’”*

On 23 October 2019 the council responded to your request, advising that *“There is a national memorandum of understanding agreement between all local authorities and the DWP.”*

On 24 October 2019 you emailed the council expressing dissatisfaction with the fact that the council did not disclose any of the information, despite the council *“confirming its existence”*.

Internal Review

The purpose of an Internal Review is to investigate the handling of a request in accordance with the Freedom of Information Act 2000. As your complaint sets out that the council did not provide the information despite confirming it is held this Internal Review will focus on section 1 of the Act as set out in full under the Advice & Assistance section of this letter.

Under section 1(1) of the Act a public authority is required to confirm if it holds the requested information and, if so, communicate it subject to any exemption which may apply in respect of it.

This review has considered the extent to which the organisation addressed the request under the above requirements of the Act. This review finds that the council complied with section 1(1) of the Act in confirming the extent to which it held the requested information, i.e. a Memorandum of Understanding with the DWP, which applies in respect of the two activities specified in your request.

However, the council did not communicate the information itself, nor provide a refusal notice in respect of it. Therefore, the response did not comply with all of the requirements of section 1(1) of the Act.

Complaint outcome: your complaint in this regard is partly upheld.

Revised Response

As set out in the section above, the council’s response did not communicate the information that is held in this respect nor cite any exemptions in respect of it.

This review can therefore confirm that the information held in this regard is a DWP document, i.e. one which is not particular to, nor ‘owned’ by, Westminster City Council.

The document should therefore be obtained from the Department of Work and Pensions who can be contacted under FOI via the following means:

Email: freedom-of-information-reqxxxx@xxx.xxx.xx

Further information: <https://www.gov.uk/government/organisations/department-for-work-pensions>

Additionally, relevant information is available online as follows:

https://www.whatdotheyknow.com/request/483449/response/1169978/attach/3/MOU%20HDD.pdf?cookie_passthrough=1

As a result, it is considered that the information is reasonably accessible to you via other means and therefore the information is exempt by virtue of section 21 of the Freedom of Information Act 2000.

In line with section 17 of the Act this response constitutes a refusal notice in respect of the requested information.

Advice & Assistance

In the course of this Internal Review I have made reference to the following provisions of the Freedom of Information Act 2000

- **1 (1)** Any person making a request for information to a public authority is entitled—
 - (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
 - (b) if that is the case, to have that information communicated to him.
- **1 (2)** Subsection (1) has effect subject to the following provisions of this section and to the provisions of sections 2, 9, 12 and 14.
- **21 (1)** Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

This completes the internal review into the handling of your Freedom of Information Request under the Council's complaints procedure. Should you be dissatisfied with our response, you are entitled to contact the Information Commissioner under Section 50 of the Freedom of Information Act 2000. For your reference, I have provided the contact details below:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 0303 123 1113 or 01625 54 57 45
Fax: 01625 524510
Web: www.ico.org.uk

Should you have any queries, please contact me at the address at the top of this response.

Yours sincerely

Information Management Team