

**Department for Work and Pensions (DWP)  
Central Freedom of Information Team**

freedom-of-information-request@dwp.gsi.gov.uk

**Our reference:** Fol 272

**Date:** 6 February 2018

Dear Samantha

Thank you for your Freedom of Information request received on 19 January 2018.

You asked:

1. Should a non resident parent become self employed by way of setting up a private limited company but working on a sub contract basis and subsequently report a substantial income drop, providing payslips from the newly incorporated limited company.
2. The CMS act upon this income drop.
3. A variation is requested - diversion of income
4. Then subsequently the NRP fails to respond to the CMS regarding a request to supply information regarding additional income e.g dividends.
5. What powers do the CMS fraud investigators have to approach the companies the NRP is/has been sub contracting for. Or approaching the NRP's accountant direct for the required information?

**DWP Response:**

On this occasion the Department will not be processing your response as an FOI. This is because your request does not comply with Section 8(1)(b) of the FOI Act. This means that to comply with your request the departments requires that you give your real name. The ICO considers that 'the name of the applicant refers to the real name of the applicant. The information commissioner (ICO) has issued guidance for public authorities on this topic. You can see the guidance issued by the ICO here:

<https://ico.org.uk/media/for-organisations/documents/1164/recognising-a-request-made-under-the-foia.pdf>

However, to be helpful you may find the following information below useful in order to assist you with your query and provide you with suitable opportunities for you to obtain the relevant information you seek.

This has however been provided outside our obligations under the Freedom of Information regime.

It may be helpful if I start by clarifying the remit of the Freedom of Information Act (FOIA). The FOIA gives any person legal right of access to any and all recorded information which is held by a public authority. The FOIA does not oblige a public authority to create new information to answer questions; nor does it require a public authority to give advice, opinion or explanation in relation to issues/policies under question.

1. to 4. are a hypothetical scenario and we are not obliged to respond under FOI. Otherwise if this is a personal scenario, Section 40(1) of the FOIA provides that requests for one's own data are exempt. This is an absolute exemption, which means that we have no discretion over whether the information can be released.

However, you are entitled to request information that the Department holds on you under the Data Protection Act 1998. If you would like to see all the information held on your record you should write to the Data Protection Unit and ask them to provide a Subject Access Request (SAR).

5. What powers do the CMS fraud investigators have to approach the companies the NRP is/has been sub contracting for. Or approaching the NRP's accountant direct for the required information?

To enable an accurate child maintenance calculation CMG requires relevant information. There are two regulations that you can reference:

- Powers of Inspectors – Regulation 15 of the Child Support Act 1991

<http://www.legislation.gov.uk/ukpga/2000/23/contents>

- The Child Support Information Regulations 2008

<http://www.legislation.gov.uk/uksi/2008/2551/contents>

Both of these regulations are in the public domain and can be viewed upon the internet with the above links into an internet search engine.

If you have any queries about this letter please contact me quoting the reference number above.

Yours sincerely,

DWP Central Fol Team

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### **Your right to complain under the Freedom of Information Act**

If you are not happy with this response you may request an internal review by e-mailing [freedom-of-information-request@dwpgsi.gov.uk](mailto:freedom-of-information-request@dwpgsi.gov.uk) or by writing to: DWP, Central FoI Team, Caxton House, Tothill Street, SW1H 9NA. Any review request should be submitted within two months of the date of this letter.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF [www.ico.org.uk/Global/contact\\_us](http://www.ico.org.uk/Global/contact_us) or telephone 0303 123 1113 or 01625 545745