

19 May 2017

Dear Ms Conner

Thank you for your email requesting a review of the Department for Work and Pensions (DWP) response dated 20 April 2017, reference FOI 1205.

In your email you asked the following:-

'I am writing to request an internal review of Department for Work and Pensions's handling of my FOI request 'Duel tape and CD recorders'. As far as I am concerned the DWP is the DWP and your feble excuse not to find out the answer. I request an internal review as these are the same machines that the DWP has used when conducting interviews under caution. This is just blatent lies for the DWP to put in their reply that finding out would cost more than £600 or is exempt! A phone call, or two, and someone looking at a machine and recording something with and without the boundary microphones does not cost £600'

Please be assured that your request has been given our full consideration and that all aspects of your review were taken fully into account.

In your original request (FOI 1205) you asked:

"1. DO The duel recording machines used by the DWP or third parties carrying out assessments on behalf of the DWP need boundary microphones to record the voice?

2. If not then where is the internal microphone(s) situated on the recorder?

3. How many assessments or interviews are stopped because of faulty equipment?

4. How many defective recorders are sent to the assessment centres in the hope a claimant will go ahead without a recording when they are told the machine is defective?"

The response of the Freedom of Information (FOI) Officer dated 20 April 2017 estimated that the cost of complying with your request would exceed the statutory costs threshold and explained the reasons for this. It further advised that under Section 12 (S12) of the Freedom of Information Act the Department is not obliged to comply with your request and informed you that we would not be processing your request further.

Guidance from the Information Commissioners Office advises of the following in the use of S12 of the FOI Act:

'As a matter of good practice, public authorities should avoid providing the information found as a result of its searching and claiming section 12 for the remainder of the information. It is accepted that this is often done with the intention of being helpful but it ultimately denies the requestor the right to express a preference as to which part or parts of the request they may wish to receive which can be provided under the appropriate limit.'

For this reason the Department applied S12 and withheld all information. However, as you have submitted an internal review request and specifically mention the boundary microphones I am able to provide additional information.

In reply to your original questions 1 & 2, I can advise that the recording machines require boundary microphones.

In relation to question 3, this information is not collated, however it may be held on a persons benefit file. To try to obtain the information would exceed the appropriate limit for central Government, set by regulations at £600. This represents the estimated cost of one person spending 3½ working days in determining whether the Department holds the information, and locating, retrieving and extracting it.

I therefore find that the Department was correct to apply section 12 of the Freedom of Information Act the Department.

With regard to your question 4, this implies that Centre for Health and Disability Assessments (CHDA) purposefully sends recording equipment that is known to be faulty to an Assessment Centre. This would not happen.

Following review, I uphold the decision of the Freedom of Information Officer and have added further information where appropriate.

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.

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

Yours sincerely,

DWP Central Fol Team

Your right to complain under the Freedom of Information Act

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 or telephone 0303 123 1113 or 01625 545745