

To Mr R Sykes  
C/o [request-149151-51da0420@whatdotheyknow.com](mailto:request-149151-51da0420@whatdotheyknow.com)

09 April 2013

Dear Mr Sykes,

**Freedom of Information Act - Request for Internal Review**  
**Our Reference: IR 0238**

Thank you for your email dated 9 March 2013 requesting a review of the Department for Work and Pensions (DWP) handling of your request 'DWP\Atos Guidance document: use of personal recording equipment by claimants to record WCAs'

In your email you asked:

*I am writing to request an internal review of Department for Work and Pensions's handling of my FOI request 'DWP\Atos Guidance document: use of personal recording equipment by claimants to record WCAs'.*

*DWP\Atos Guidance document: use of personal recording equipment by claimants to record WCAs. (Request of 08 02 13)*

*DWP, take note (and ICO, kindly please note) that this request for an internal review is made after the expiry of the 20th working day following the DWP's receipt of my freedom of information request, and in the complete absence of any substantive response from the DWP*

*I will now treat any communication received from the DWP as a response to this request for an internal review, not to the original enquiry.*

*Other than in specified circumstances which clearly do not apply in this case, the Freedom of Information Act 1998 ("FoIA") does not permit the DWP to delay potential referral to the ICO by failing to respond within the initial 20 working day period.*

*Further, I have noted from the WDTK site that the DWP is ignorant of the law as stated in section 10 of the FoIA, from which it is quite clear that the 'date of receipt' of a freedom of information request need not itself be a 'working day' (as statutorily defined). Any such ignorance will in turn be ignored by me, as I pursue this enquiry to a conclusion.*

*In the absence of a full and candid response to this request for an internal review, this matter will be referred to the ICO promptly, and without further reference to the DWP.*

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

The review was conducted by an independent official of the Department, of the relevant grade and authority to carry out such requests. The case has been examined afresh, and guidance has been sought from domain experts to ensure all factors were taken fully into account.

Your request 'DWP\Atos Guidance document: use of personal recording equipment by claimants to record WCAs'1' (FOI 0632) was received by the Department on 8 February 2013.

The Freedom of Information (Fol) Act, as you state allows 20 working days from date of receipt of the request in which to respond. DWP endeavours to answer promptly and wherever possible no later than the 20 day deadline, unless the deadline is extended to consider if an exemption applies.

It is noted that the 20 working day deadline for your original request was 8 March 2013 and the response has not been issued to you. In this instance, the Department has failed to respond within the 20 working days and apologises for the delay in providing you with a response; the delay has occurred whilst DWP has been trying to establish if the information you have requested is available for release. But, the response to your original Fol (632) has now been drafted and is currently undergoing clearance. We hope to have this with you by 16 April 2013, if not sooner.

In reviewing your request the FOI Internal Reviewing Officer upholds your complaint as the Department failed to respond to your request within 20 days.

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

Yours sincerely,

Business Management Team  
Health & Disability Assessments (Operations)  
[dwp.mex@xxx](mailto:dwp.mex@xxx)

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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 [xx@xxx.xxx.gov.uk](mailto:xx@xxx.xxx.gov.uk) or by writing to DWP, Central Fol Team, Caxton House, Tothill Street, London 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.gov.uk](http://www.ico.gov.uk)