

DWP Central Freedom of Information Team

e-mail: [freedom-of-information-request@dwp.gov.uk](mailto:freedom-of-information-request@dwp.gov.uk)

Our Ref: FOI2019/31981

16 September 2019

Dear Joe Olenick,

Thank you for your Freedom of Information (Fol) request received on 29 August. You asked:

*ICO opinion is your ESA1, UC50 and ESA50 forms are not in line with the General Data Protection Regulation (GDPR) since 25 May 2018 and are still not today.*

*Does this mean you are no longer sending Doctors the ESA65B letters until you have obtained patient consent to show they opt-in to send their work capability assessment outcome personal data to their Doctor?*

**DWP Response:**

It may be helpful if I explain the role of the Freedom of Information Act. The Act provides a legal right of access to recorded information held by a public authority like DWP, subject to certain exemptions that may apply. The Act 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, generate answers to questions, or create or obtain information we do not hold. If you ask a question, rather than requesting recorded information, we will provide you with the recorded information that best answers the question. Once we have provided the recorded information, we have met our obligations under the Act; interpreting the information provided is up to you.

Your request asks questions which you want us to respond to. This would need new information to be created. We do not hold any recorded information to answer your request.

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

Yours sincerely,

DWP Policy Group Fol Team

---

**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@dw.gov.uk](mailto:freedom-of-information-request@dw.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

Web: [ico.org.uk/Global/contact\\_us](http://ico.org.uk/Global/contact_us) or telephone 0303 123 1113 or 01625 545745