



Department  
for Work &  
Pensions

DWP Central Freedom of  
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[DWP Website](#)

Our Ref: IR2023/16736

21 March 2023

Dear Owen Stevens,

Thank you for your Freedom of Information (Fol) internal review request received on 1 March. relating to FOI2022/87843. You wrote:

*Repeat request here if short or summarise if not eg.*

“Please reconsider this decision.

S.21 does not apply, the minutes do not appear to be available at the link that you provide in the decision notice. To say that some other information is available at that link does not mean that s.21 applies to the requested information.

I do not accept that s.35 applies.

Nor have you explained how this decision is consistent with the commitment to publish these papers after a two year period has passed.”

## **DWP Response**

In response to your internal review request, we can confirm that the handling of your original request and response has now been appropriately reviewed by someone unconnected with the handling of your original request.

As a result of this review, we are satisfied that the original response was handled properly and that the outcome of your original request was correct. Your complaint is therefore not upheld and the reason for this is as follows.

Section 21 has been applied since the individual Programme Board papers have been published and are considered easily accessible and in the public domain. These are located within the depository here.

[Deposited paper DEP2022-0377 - Deposited papers - UK Parliament](https://depositedpapers.parliament.uk/depositedpaper/2284242/files?page=2)

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These were published on 26<sup>th</sup> April 2022 below in line with DWP publication strategy.

Section 35 applies as there are contents of the draft Programme Board minutes that reference policies in development that may be prejudiced by the publication of any documents that are not finalised.

The Universal Credit Programme has committed to publishing Universal Credit (UC) Programme Board (PB) papers in the House of Commons (HoC) library – in six-month batches, 2 years after the date of the last meeting in the relevant batch. We have a commitment to routinely publish UC Programme Board papers, as part of the UC transparency agenda, twice a year, once the papers are 2 years old.

In applying the public interest test in cases involving the section 35 exemption, it is well established that there is an in-built public interest in understanding the policy making process and the discussions in this.

A general public interest in transparency is not sufficient to outweigh the public interest in protecting that the policymaking process. This is to protect the integrity of the policymaking process, and to prevent disclosures that would undermine this process and result in less robust, well-considered or effective policies. In particular, it ensures a safe space to consider policy options in private and the formation of future policy. There needs to be a clear and compelling justification for disclosure, which in the circumstances is not present.

On balance, DWP is satisfied that in this instance, the public interest in maintaining the exemption for the selected information outweighs the public interest in disclosure. This is also reflected in redactions that are applied to supporting documents from the Programme Board meeting of February 2020 deposited here

[Deposited paper DEP2022-0377 - Deposited papers - UK Parliament](https://depositedpapers.parliament.uk/depositedpaper/2284242/files?page=2)  
<https://depositedpapers.parliament.uk/depositedpaper/2284242/files?page=2>

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

Yours sincerely,

Central FoI Team  
Department for Work and Pensions

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### **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.

Web: [ICO FOI and EIR complaints](#) or telephone 0303 123 1113