

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

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

**Our reference:** VTR3924

**Date:** 9 October 2017

Dear A. James

Thank you for your Freedom of Information request received on 21 September 2017. You asked :

1. *A copy of the notes and decision making process with regards to the public interest test that applies to Section 31 showing clearly how you have come to this decision and the weighing exercise you undertook.*
2. *Documentation relating to the prejudice test conducted in respect of this decision showing your reasoning and how disclosure of the documentation would prejudice the "prevention or detection of crime or the apprehension or prosecution of offenders".*
3. *Copies of their policies and procedures; including any legal guidance that is routinely relied on during the course of their work in their function to "provide advice on complicated issues around both employed and self-employed income, advising caseworkers on any issues around director's income, including variations." (i.e. non criminal functions).*
4. *Please advise how many Criminal Prosecutions have been launched using information provided either wholly or in part by the FIU within the CMG for calendar year 2016 and YTD 2017.*
5. *An organisational chart showing clearly reporting lines and responsibilities from the most junior member of the department up to the most senior individual with responsibility for the actions taken by the department (including all senior civil servants, junior and senior elected officials).*

**DWP Response:**

**Questions 1 and 2:**

This information was not recorded. However, the decision to apply Section 31 of the Freedom of Information Act is based on; the release of this information would restrict the prevention and detection of crime and apprehending those criminals that would benefit from the published documentation, therefore fulfilling the criteria set out in Section 31 (a) and (b) of the FOIA.

Albeit, not all investigations are linked to criminal activities, the release of this information would support or guide individuals who wish to commit fraud and avoid detection methods used by the FIU.

3. In relation to providing copies of CMG FIU policies and procedures, including legal guidance or advice on complicated issues around both employed, self-employed and director's income, including variations, we apply Section 42 of the FOIA.
4. The total amount of prosecutions instigated by CMG FIU are :
  - 13 for 2016
  - 20 for 2017 to date.
5. Personal information about a third party is treated as exempt information under section 40(2) of the FOIA if one of the conditions set out in section 40(3) of the FOIA is satisfied. This is because access to personal information is treated under the provisions of the Data Protection Act 1998 (DPA) and can only be released to you where such disclosure would not breach that person's right to privacy. In this case disclosure of details of expenses claimed by an individual would breach the fair processing principle of the DPA.

Names of staff below Senior Civil service grade are considered (as confirmed by the Information Commissioner's Office) exempt from release under section 40(2) of the Freedom of Information Act as this constitutes their personal data. The Senior Civil Servant who leads Child Maintenance Group Legal Enforcement is Marc Gill, Arrears and Enforcement Director.

Departmental Organisation Chart is due to be updated shortly includes salary details and job titles of the most senior departmental employees:  
<https://data.gov.uk/organogram/department-for-work-and-pensions>

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 Fol 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