

Mr John Dunning

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www.gov.uk/hm-treasury

4 February 2020

Refs: R19/72
FOI2019/15985

Dear Mr Dunning,

Freedom of Information Act 2000 Internal Review: Information technology projects

Thank you for your email dated 24 November 2019, requesting an internal review of our response dated 14 November 2019 to your information request made under the Freedom of Information Act 2000 (the FOI Act), under our reference: FOI2019/15985.

We have now completed our internal review and this letter informs you of its conclusions. The review was conducted by officials not involved with your original request.

Background

On 19 October 2019, you made the following request under the FOI Act:

1. How many people are working on IT projects directly for your government department

- a) UK Citizens*
- b) EU Citizens*
- c) outside EU - broken down by country*
- d) contractors outside IR35 (broken down by a,b,c above)*
- e) contractors inside IR35 (broken down by a,b,c above)*

2. How many people are working on IT projects for your government department but carried out by a 3rd party supplier (please delineate by supplier)

- a) UK Citizens*
- b) EU Citizens*
- c) outside EU - broken down by country*
- d) contractors outside IR35 (broken down by a,b,c above)*
- e) contractors inside IR35 ((broken down by a,b,c above)*

3. How many people are working for your government department through Tier2 Visas

- a) directly
- b) through a third party supplier
- c) on site at one of your premises
- d) remotely

4. How many people are for your government department working through ICT visas

- a) directly
- b) through a third party supplier
- c) on site at one of your premises
- d) remotely

5. What is the average age of each group of people working directly for your government department

- a) UK Citizens
- b) EU Citizens
- c) outside EU - broken down by country
- d) contractors outside IR35 (broken down by a,b,c above)
- e) contractors inside IR35 (broken down by a,b,c above)

6. What is the average age of each group of people working indirectly for your government department

- a) UK Citizens
- b) EU Citizens
- c) outside EU - broken down by country
- d) contractors outside IR35 (broken down by a,b,c above)
- e) contractors inside IR35 (broken down by a,b,c above)

7. How many UK workers who are capable of working on your IT projects directly or indirectly are currently registered with the DWP as looking for work or on the NEA scheme

- a) broken down by age
- b) broken down by required skills"

On 14 November 2019, we provided our response. We explained that we were unable to confirm whether HM Treasury holds information within the scope of your request. To identify if we hold any information would require extensive searches to be conducted across each team within the Treasury. This is because the Treasury does not collate information in a way that could be used to easily identify possible information within the scope of your request.

We estimated that to search for and locate any information if held, would exceed a set limit which is known as the appropriate limit. The appropriate limit for central Government is set at £600. This represents the estimated cost of one person spending three and a half working days in determining whether the Treasury holds the information.

Under section 12 of the FOI Act, departments are not obliged to comply with requests in these circumstances. We explained that it was difficult for us to suggest how you could narrow your request, given its very broad scope. However, we advised you that if you wished to submit a revised request, we would be happy to consider it.

On 24 November 2019, you requested an internal review as follows:

"I am writing to request an internal review of Her Majesty's Treasury's handling of my FOI request 'FOI - Use of Migrant Workers on IT Projects'. For the last ten years I have witnessed the systematic destruction of UK livelihoods in the IT industry with the unregulated abuse of Tier2 visas and now you have removed the cap post Brexit you will reap untold damage on the working UK population - in particular in the north of England.

I know that you do hold the information I requested but would suggest that providing that information would be both politically embarrassing and would incriminate the civil service.

This is a breach of FOI regulations to fail to supply this information. I would also suggest that it is unlawful not to hold this information

A full history of my FOI request and all correspondence is available on the Internet at this address:

https://www.whatdotheyknow.com/request/foi_use_of_migrant_workers_on_it_4"

The Review

I have considered the response we provided to you and whether our handling was compliant with our obligations under the FOI Act.

After review, we can confirm that extensive searches would need to be conducted across every team within HM Treasury to attempt to locate the information that you have requested. Such an undertaking would clearly exceed the appropriate limit for central Government, which is set at £600. This represents the estimated cost of one person spending three and a half working days in determining whether the Treasury holds the information.

As we explained, under section 12 of the FOI Act, departments are not obliged to comply with requests in these circumstances.

Conclusion

We have concluded that Section 12 of the FOI Act was correctly engaged in our original response.

To be helpful, we would again suggest that if you were to narrow your request we would be happy to consider it, although we cannot guarantee that we could comply.

I hope that you are assured that the Treasury has carried out a thorough and considered review of the request you made and the response that the Treasury gave under the FOI Act.

Whilst I am aware you may find these conclusions disappointing, I hope that by setting out the basis of the review, its findings and conclusions above, you will be assured that

the Treasury has, on your behalf, carried out a thorough and considered review of the request you made and the responses that the Treasury gave under the FOI Act.

If you are not content with the outcome of this internal review you have the right to apply directly to the Information Commissioner for a decision. The Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow SK9 5AF.

Yours sincerely

Correspondence and Information Rights Team Leader