

DWP Central Freedom of Information Team

e-mail: freedom-of-information-request@dwpgsi.gov.uk

Our Ref: VTR FOI 2229

6 June 2013

Dear Ms Walce,

Thank you for your Freedom of Information request received on 13 May 2013. You asked several questions around the Department for Work and Pensions contacting employers about specific jobseekers, I will address each of your questions in turn.

1) Please provide copies of all documents used to contact employers about specific jobseekers, whether for feedback, after job termination (an ES85JP comes to mind, for a start) or any other reason.

Copies of the national documents used to contact employers about specific jobseekers are attached.

1. Form JSAIS320 – Repayment of benefit notice
2. Form JSAIS320 (PA) - Repayment of benefit notice (Protective Award)
3. Form A15 – Earnings Enquiry
4. Form ES85AJP – Information request about former employees
5. Form ES85JP – Information request about former employee
6. Form ES85MJP - Information request about former employee
7. Form ES85SFJP - Information request about former employee
8. Form ES85YJP - Information request about former employee
9. Form ES95JP - Information request about former employee (follow up)
10. Form ES541JP - Information request about former employee (disclosure consent)
11. Form JSA77 – Request for details of NI contributions paid
12. Letter DLJA006 – Letter to employer following Employment Tribunal award
13. Letter DLJA010 – Letter to employer if not response to JSAIS320
14. Letter DLJA014 - Letter to employer following Employment Tribunal award
15. Letter DLJA357 - Letter to employer for information re temp laid off/reduced working staff
16. Letter DLJA750 – Letter to employer re termination payments from part time employment
17. Letter FSFL04 – Reimbursement of Disclosure checks costs
18. Letter FSFL06 – Reimbursement of travel costs

19. Letter FSFL08 – Reimbursement of travel costs

2) Please also provide any and all documentation and guidance in full from your department for the usage of these documents and the information received back.

Copies of the national guidance for the usage of these documents are attached.

- 20. Guidance for when a claimant is undertaking work
- 21. Guidance on Disclosure and Barring Service and Protecting Vulnerable Groups checks
- 22. Guidance on end of employment action
- 23. Guidance on gathering evidence
- 24. Guidance on obtaining National Insurance contribution information
- 25. Guidance on recoupment of benefit
- 26. Guidance on sector based work academies and Work Experience – engaging with employers
- 27. Guidance on temporary stopped claims
- 28. Guidance travel expenses for job interviews
- 29. Guidance on Work Trials

3) Please provide any and all documentation and guidance in full from your department on the subject of contacting employers about specific jobseekers in any circumstance through means other than the documents requested in (1) such as by phone, email or other communications.

Copies of additional documents and guidance on the subject of contacting employers are attached above. These will include the method of contact where specified.

4) Please provide documentation of the regulatory and legislative frameworks known by your department, if any, to be activated in the carrying out of such communication referred to in (1) to (3) and in justifying that communication as necessary, lawful, and respectful of the privacy of the jobseeker in question.

I can confirm that the Department holds information falling within the scope of this request. This information is exempt under section 21 (information accessible to applicant by other means) of the Freedom of Information Act 2000.

The requested information relates to the regulatory and legislative frameworks that are currently in force in respect of (i) data protection and privacy and (ii) the exercise of the Department's statutory functions in respect of jobseekers. The main legislation that governs data protection is the Data Protection Act 1998. A full copy of this statute and accompanying secondary legislation is already accessible to you and in the public domain from www.legislation.gov.uk. Printed copies of legislation and other publications can be purchased from The Stationery Office Limited (TSO) whose contact details are below.

The Stationery Office Limited
PO Box 29

Norwich
NR3 1GN
Phone: +44 (0)870 600 5522
Fax: +44 (0)870 600 5533
Email: book.orxxx@xxx.xx.uk
Web: www.tso.co.uk/bookshop

You may also find it helpful to refer to the guidance available from the Information Commissioner's Office on data protection available at www.ico.org.uk.

Information about the regulatory and legislative framework in relation to social security including how it relates to jobseekers can be found in the Law Volumes on the Department's website (commonly known as the Blue Books) <http://www.dwp.gov.uk/publications/specialist-guides/law-volumes>.

Section 21 is an absolute exemption and there is therefore no requirement to consider the public interest.

5) Please provide documentation of and guidance on any policy in your department enabling jobseekers to opt-out of your department contacting employers about them without their informed and voluntary consent. If such a policy exists, a written confirmation that opting-out is possible is also requested. In the absence of such policy, a written confirmation that there is no such policy would suffice.

There is no facility to enable a jobseeker to opt out from this department contacting their former employer. Such contact is made pursuant to a claim for Jobseeker's Allowance, under the Jobseeker's Act and Jobseeker's Allowance regulations, in order for entitlement to that benefit to be determined. This department does not require the specific consent of the jobseeker to do this.

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

Yours sincerely,

DWP Central 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@dwp.gsi.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