

DWP Central Freedom of Information Team  
e-mail: [freedom-of-information-request@dpw.gsi.gov.uk](mailto:freedom-of-information-request@dpw.gsi.gov.uk)

**Our Ref:** Fol 392

**Date:** 21<sup>st</sup> February 2018

Dear Mr Corrigan,

Thank you for your Freedom of Information request of 29 January 2018. You asked:

*“Dear Department for Work and Pensions,  
When the U.K. leaves the EU will there still be a legal requirement to uprate the  
pensions of U.K. expat pensioners living in the EU”?*

**DWP Response**

It may be helpful if I explain the role of the Freedom of Information Act. The Act provides a right of access to recorded information held by a public authority like DWP (subject to certain exemptions). 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 in relation to issues/policies under question.

Anyone can request copies of information which a public authority already holds in a recorded form, but the Freedom of Information Act does not require the Department to generate answers to questions, or create or obtain information it does not hold.

I confirm that the Department holds no recorded information to answer your request. However, to be helpful you may find the following explanation useful. This has however been provided outside our obligations under the Freedom of Information regime

The information requested is not held because the legal requirements when the UK leaves the EU will be subject to, for example, Parliamentary approval. We hope the following information is useful. The European Union (Withdrawal) Bill will, subject to Parliamentary approval, convert EU law as it stands at the moment of exit into domestic legislation. This would mean that there will continue to be a legal requirement to up-rate State Pensions in EU countries.

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

Yours sincerely,

DWP Strategy 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@dpw.gsi.gov.uk](mailto:freedom-of-information-request@dpw.gsi.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

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