

DWP Central Freedom of Information Team

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

Our Ref: IR2020/02991

21 February 2020

Dear Mark Bennett,

Thank you for your Freedom of Information (Fol) internal review request received on 23 January. You asked:

Thank you for the reply a lot of which I could contest as to its legal status as claimed, however for now I wish to challenge only one. In your answer to number 6 "6. As this would put your employees in serious risk of legal action, provide details of which Trade Union was consulted and when." Your reply was and I quote "The information you requested is not held by the Department." I would inform you as the DWP recognises atleast two trade unions then by law you have to consult them on issues like described above. You then have to hold a record of those meetings so I put it to you that you do hold this information and should disclose it, if you further state you dont hold it this means you have operated outside of current UK legislation namely the "Trade Union and Labour Relations (Consolidation) Act 1992". So again I think you need to revisit this and provide the information held as it poses zero financial or business impact to do so and as such is not excluded by any section of the FOI act. You may also wish at this time to look again at the information you claim is not held and reply with the information asked for.

DWP Response:

In response to your request, I can confirm that the handling of your original request and response has now been appropriately reviewed and that I was unconnected with the handling of your original request.

As a result of this review I am satisfied that the original response was handled properly and that the outcome of your request was correct. The reasoning behind this decision is as follows. As staff cannot be 'held as liable for breeches of the Data Protection Act & GDPR laws' (wording from your previous request) by issuing an ESA65B, there was no need to consult Trade Unions.

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 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.org.uk/Global/contact_us or telephone 0303 123 1113 or 01625 545745