

Dear John Slater,

Thank you for your Internal Review request received on 1 April 2019. You asked:

"I am writing to request an internal review of Department for Work and Pensions's handling of my FOI request 'NHS / DWP data-sharing technical proof of concept opportunity - Patient Records'.

Thank you for your response. Unfortunately, I do not believe that the information provided is what I requested. My request for information ("RFI") was based within the context of the "NHS / DWP data-sharing technical proof of concept opportunity" released here:

<https://www.digitalmarketplace.service.gov.uk/digital-outcomes-and-specialists/opportunities/8859>

I quoted the Department's own words:

""We've completed Discovery, including proof of concept research with a medical records broker, finding:

- Citizens don't always have / understand the information needed to process their applications - we have to verify their responses with medical professionals - easier if we could access directly (with appropriate consent)*
- The current process is largely clerical / paper-based, which is slow and expensive - easier if automated routine requests and digitise ad-hoc requests.*
- GPs don't always have / understand information about citizens' 'functional capability', therefore route needed to more relevant medical professionals, such as secondary and community care providers.'"*

My RFI1 asked

"RFI1: Please disclose if the Department has consulted any of the following organisations as part of its work to date:

- Information Commissioner.*
- General Medical Council.*
- Royal College of General Practitioners.*
- British Medical Association.*
- Any specialists in medical ethics.*

Whilst the information provided is very interesting it doesn't contain the requested information and I suggest giving me a green paper when I asked about a very specific IT related activity

does not meet the Department's obligations under the FOIA. I would be grateful if someone looked at my RFI again and provided a more appropriate response.

My RFI2 was also set within the same context and I specifically explained:

"As part of the work to reach this point I assume the DWP will have produced a report(s) summarising what it 'discovered' and used this to obtain approval to move forward with this supplier opportunity.

RFI2: Please disclose these reports. Please note this is not a request for everything produced during the discovery process."

The context is clear that the reports I asked for are those that were produced as part of the following activity:

"We've completed Discovery, including proof of concept research with a medical records broker ..."

I do not believe it is credible that the 94 page report provided could possibly meet the requirements of my RFI2 as the "proof of concept research with a medical records broker" isn't mentioned anywhere. I would be grateful if someone looked at my RFI again and provided a more appropriate response.

In respect of RFI3 I note the Department's claim that S.35(1)(a) is engaged. I am very familiar with the Department's arguments in this area and I'm afraid that it hasn't made out its case for engaging this exemption. I won't bother producing a detailed rebuttal here, but I will remind the Department that the only research carried out on the impact of the FOIA on Government concluded that the chilling effect is a myth."

DWP Response

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

I can advise that I find the original decision to be partly correct. Your request for review is therefore *partially* upheld. The reasoning behind this decision is as follows:

RFI1:

As a result of this review and your additional clarification we have reconsidered our response.

Our initial response included information held by DWP about the wider consultation as your request included "work to date" and so our search for information covered a longer time period than you may have intended.

On reflection, we could have clarified that no consultation happened with the organisations you list from the start to the end of the specific small scale discovery activity that is referenced by the notice on Digital Marketplace.

We could also have provided a reference to the Secretary of State's written statement on 5th March 2019 (<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2019-03-05/HCWS1376>) and in particular the words:

"My ambition is to continue this important conversation around the future of support and I will, alongside the Minister for Disabled People, be regularly engaging with stakeholders to enable on-going conversations on the future of the health and disability agenda."

Therefore, no recorded information is held relating to your request.

RFI2:

As a result of this review and your additional clarification we have reconsidered our response.

A further search of our paper and electronic records has identified the attached report.

RFI3:

As a result of this review and your additional clarification we have reconsidered our response.

A further search of our paper and electronic records has established that the information you requested is not held. Therefore, no recorded information is held relating to your request.

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

Yours sincerely,

DWP Central FOI 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
https://ico.org.uk/Global/contact_us or telephone 0303 123 1113 or 01625 545745