



Department  
for Work &  
Pensions

DWP Central Freedom of  
Information Team  
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request@dwp.gov.uk](mailto:freedom-of-information-request@dwp.gov.uk)

[DWP Website](#)

Our Ref: FOI2022/96866

16 December 2022

Dear Carole Keith,

Thank you for your Freedom of Information (Fol) request received on 2 December. You wrote:

“I have an enquiry that comes up quite often now. If a person takes their private pension/occupational pension in full at age 60 years. When they retire will their state pension be topped up by pension credit if they then have none of the money left and no other income. They have the years required for a full state pension.”

## DWP Response

It may be helpful if we explain the role of the Fol Act. It provides a legal right of access to recorded information held by a public authority like the DWP, subject to certain exemptions that may apply. 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, generate answers to questions, or create or obtain information it does not hold.

If you ask a question, rather than requesting recorded information, we will provide you with the recorded information that best answers the question. Once we have provided the recorded information, we have met our obligations under the Act; interpreting the information provided is up to you.

Your request asks a question which would need an answer to be created.

However, you may find the following explanation useful. We have provided this outside of our obligations under the Fol Act.

The Pension Credit legislation contains provisions which deal with notional income and notional capital including where deprivation has occurred (see the guidance on deprivation of capital at paras 84781 – 84820 at the link, below). These are resources which a person doesn't actually have but are treated as having for the purposes of a claim to Pension Credit. Guidance on this can be found in the Decision Makers' Guide on [www.gov.uk](http://www.gov.uk). The guidance on notional capital can be found at paragraphs [84776 et seq](#). The guidance on notional income can be found at paragraphs [85400 et seq](#).

Yours sincerely,

**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@dw.gov.uk](mailto:freedom-of-information-request@dw.gov.uk) or by writing to: DWP Central FOI Team, Caxton House, 6-12 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.

Website: [ICO FOI and EIR complaints](#) or telephone 0303 123 1113.