



Department  
for Work &  
Pensions

DWP Central Freedom of  
Information Team  
Caxton House  
6-12 Tothill Street  
London  
SW1H 9NA

John Slater  
[request-698301-da45db0e@whatdotheyknow.com](mailto:request-698301-da45db0e@whatdotheyknow.com)

[freedom-of-information-  
request@dwp.gov.uk](mailto:freedom-of-information-request@dwp.gov.uk)

[DWP Website](https://www.dwp.gov.uk)

Our Ref: IR2020/78300

11 January 2021

Dear John Slater,

Thank you for your Freedom of Information (FoI) request received on 8 December. You wrote:

"Thank you for your response. I am grateful to the Department for releasing the redacted documents without unreasonable delays in these challenging times.

However, I do not believe that the Department's reliance on the various exemptions can be justified. I have no wish for any information to be disclosed that would genuinely cause harm. As with the previous release I do not believe that the Department has met the bar to prove that disclosure would cause the prejudice it claims."

## **DWP Response**

In response to your internal review request, we 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.

As a result of this review we are satisfied that the original response was handled properly and that the outcome of your original request was correct. Your complaint is therefore not upheld and the reason for this is as follows.

You were provided with 38 documents recording the meetings held by Capita and Independent Assessment Services (IAS) between January 2019 and August 2020. Some of the content of these documents required redaction under four of the exemptions permitted by the Freedom of Information Act 2000.

These exemptions were:

"Section 30 Investigations and proceedings conducted by public authorities"

Some of the IAS LPG minutes and Capita LPG minutes included information relating to ongoing investigations and the detection of crime within the referred documentation. As such, Section 30 exemption was applied.

"Section 38 Health and safety"

Information can be withheld if disclosure would, or would be likely, to put the physical or mental health, or the safety of any individual at risk or greater risk.

In accordance with this exemption, the department considered that information relating to meeting dates, location(s) and Action Point (AP) reference numbers within the referred documents, should not be disclosed and Section 38 exemption was applied. It was noted that the AP numbering system reflected the date the AP was raised and would give information relating to the recurring dates of future meetings.

**"Section 40(2) Personal Information"**

Although you stated in your original request "Any personal information that is exempt under Section 40 FOIA is to be considered out of scope for RFI1", we are not obliged, under Section 40(2) of the Act, to provide information that is the personal information of another person if releasing it would contravene any of the provisions in the Data Protection Act 2018 (DPA). The majority of the documents contained such material and therefore the release of this information would contravene the first data protection principle and consequently, Section 40 (2) exemption was applied.

**"Section 43 Commercial interests"**

Section 43 exempts information which, if disclosed, would be likely to prejudice the commercial interests of any person. It protects not only the commercial interests of third parties but also the commercial interests of the department. It is intended to protect the ability of a public authority like DWP to obtain goods or services on the best possible commercial terms and to protect the legitimate commercial interests of its suppliers. The information you seek falls into this category, Section 43 exemption was therefore applied.

As required by the FoI Act the use of exemptions requires the public interest for and against disclosure to be assessed. I am satisfied that this consideration was made, and note that in order to ensure it was conducted thoroughly an extension was applied to your request on 10 November 2020. On balance I am satisfied that, in all instances, the public interest in applying these exemptions outweighed the public interest in disclosure.

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

Yours sincerely,

DWP Central Freedom of Information Team  
Department for Work and Pensions

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**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 Contact Information](#) or telephone 0303 123 1113 or 01625 545745