

To J Slater
request-375869-189100a8@whatdotheyknow.com

DWP Central Freedom of Information Team

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

Our Ref: IR 52

23 February 2017

Dear John Slater

Thank you for your email requesting a review of the Department for Work and Pensions (DWP) response dated 30 January 2017, reference IR8.

You ask:

'I am writing to request an internal review of Department for Work and Pensions's handling of my FOI request 'PIP Contracts - Management Information Reports'.

This is not the first time that the Department has claimed that information is not held for it then to be miraculously found and one of the statutory exemptions cited. Such behaviour is incompatible with the FOIA and I will bring it to the attention of the Information Commissioner.

I could provide copious grounds as to why S.43 cannot be engaged by the Department (including the overwhelming public interest in favour of disclosure). However, given that I have never known the Department overturn a decision to engage a statutory exemption in response to an IRR it seems a pointless exercise at this stage of the process.'

Please be assured that your request has been given our full consideration and that all aspects of your review were taken fully into account.

The decision dated 30 January 2017 (IR8) explained that the Department believes that there is a strong public interest in ensuring that the general commercial negotiations process being undertaken by both assessment providers is not compromised by the release of this information.

In reviewing the decision (ref IR8) I also find that this information is commercially sensitive, and that the release of it would, or would be likely to, prejudice the current and future commercial interests of Centre for Health and Disability Assessments (CHDA) and DWP.

I am satisfied that section 43(2) of the Freedom of Information Act is properly engaged and, for the reasons explained above, find that the public interest in maintaining the exemption outweighs the public interest in disclosure.

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.

If you have any queries about this letter please contact me 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
www.ico.org.uk/Global/contact_us or telephone 0303 123 1113 or 01625 545745