

14 July 2011

Dear Jocelyn Allain,

Thank you for your Freedom of Information request received on 1 July 2011.
You asked the Department to:-

'Provide the following information under the FOI Act and the FOI Act clauses in your Flexible New Deal Contract with A4e.

Many Jobcentre Customers use the computer facilities of the Flexible New Deal and the Work Programme to do Jobsearch activities and make job applications. Is there any contractual or legal obligation placed upon Welfare to Work Providers that DWP specifically requires these Providers to prevent any customer from saving their personal data on a external USB device/thumb drive when the computers being used are only for customers use and do not give access to access DWP assets? Please provide copies of internal information that is given to Providers that instruct them to not allow Jobcentre customers to save their personal data on a USB device, and forces them to save everything either online or locally on the computer, both of remove customers control over their personal data and when saved locally allow other customers to access each others data, such as job applications, letters and CVs.

If a Jobcentre customers on Jobseekers Allowance refuses to use Providers in-house computers, because they do not allow their personal data to remain under their control, as they cannot use any USB device to save their personal data externally, will they get a Sanction for non compliance, even if they can use a computer at a local library, internet-cafe or at home, which allows use of external USB devices, to undertake Job search and application activities.

Please provide copies of any internal data that confirms it is DWP policy to force it's Welfare to Work service users to only be able to use Providers in-house semi public computers so long as they save their personal data on these computers for access by anyone with the inclination, including recovery of deleted files. Is it DWP policy to prevent its Jobcentre customers from having control of how they use, save and control their personal data, whilst on a Welfare to Work programme?'

The information you have requested regarding contractual or legal documents specifically relating to the use of USB devices for customers storing their personal data is not available.

The following link details the Department for Work and Pension (DWP) security policy for its Providers: <http://www.dwp.gov.uk/docs/dwp-security-policy-for-contractors.pdf>

The DWP and its providers are both under legal obligations to safeguard the information entrusted to us ensuring that personal and sensitive information remains properly protected.

The Department does advise against the use of unencrypted portable media such as USB devices for DWP data.

It is at the Provider's discretion and in line with their internal policies and procedures to advise participants whether the use of portable media equipment would help in assisting with their job search activities.

Moving on to your concerns relating to sanctions for non-compliance, it may be helpful if I explain that under the Flexible New Deal (FND), participants are required to develop a work focused action plan during their induction on to the provision to record and agree to the activities which will be undertaken whilst at the provider's premises, once agreed, all activities will become enforceable.

Sanctions for non-compliance in the circumstances you outline, for example where claimants refuse or fail to apply for or accept employment, neglect a reasonable opportunity of employment or refuse or fail to carry out any reasonable jobseeker's direction are only appropriate where the claimant is unable to show good cause for the alleged failure. Jobcentre Plus decision makers (DMs) acting on behalf of the Secretary of State are required to determine this in the light of the particular circumstances of the claim.

Where a DM determines that a sanction is appropriate on the grounds that good cause for the failure in question has not been shown, the claimant has right of appeal to Her Majesty's Court and Tribunal Service.

Further information regarding sanctions can be found on the DWP website or via this link.

<http://www.dwp.gov.uk/docs/dmgch34.pdf>.

Turning to your final request in which you ask for copies of any internal data that confirms it is DWP policy to force its welfare to work service users to only be able to use provider's in-house computers, this information is not available. It is at the providers discretion and in line with their internal policies and procedures to assist customers in their job search.

Yours sincerely,

DWP Central Fol Team

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@dwpgsi.gov.uk or by writing to DWP, Central FoI Team, 5th Floor The Adelphi, 1-11, John Adam Street, London WC2N 6HT. 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 www.ico.gov.uk