



Department
for Work &
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Email:
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Declan Murray
request-620604-576ca37f@whatdotheyknow.com

Our Ref: IR2020/01269
Date 31 January 2020

Dear Declan Murray,

Thank you for your Freedom of Information (Fol) internal review request received on 13 January. You asked:

"I am writing to request an internal review of Department for Work and Pensions's handling of my FOI request 'RE: Complaints to Secretary of State for Work and Pensions regarding abusive behaviour of private contractors'.

In your response to my request you say that: ". . [T]he information that the provider holds in relation to complaints is the departments [sic] information...."

In other words, the department has claimed proprietary ownership of all the data the private providers hold in relation to complaints made by claimants and therefore controls all the data collected by the providers.

As the terms and conditions of contracts between the DWP and private contractors would have required compliance with this legal requirement then any confidential data of claimants- including any complaints- would surely have been shared with the DWP, in accordance with the provisions of the Data Protection Act?

However, although you say you hold some of this data, except that this data is bundled up with all the other data of the providers and that you would have to contact each individual provider to get this information and that it would cost too much money to research and publish this information?

In which case, how does the department obtain and collate sensitive data regarding the provision of its services if access to certain categories of data are excluded by virtue of the fact that it is too expensive to publish this information?

If there is any accountability to Parliamentary public accounts committees then surely the state has a fiduciary obligation to at least provide accurate data in regard to the expenditure of public funds?

In which case, if there is any other information available in the public domain, please direct the public to any reports, documents and/or announcements available on website links?"

DWP Response

I can confirm that the handling of your original request, reference Fol 44577, and the department's response, has now been appropriately reviewed and that I was unconnected with the handling of your original request.

As a result of this review, I am satisfied that the original response was handled properly and that the outcome of your request was correct. The reasoning behind this decision is explained below.

The Department for Work and Pensions (DWP) is the Data Controller for information processed by its contracted providers, and the providers are the Data Processors. Providers will hold personal information about DWP claimants for the business purposes which they are contracted to DWP to provide.

The department requires the providers that deliver the welfare to work programmes to work with individual participants to resolve any complaints about their service, and all providers will have a complaints process in place. If an individual cannot resolve a complaint with their provider, they can raise their complaint with the Independent Case Examiner – an independent complaints review service which investigates complaints about the DWP and its providers. Therefore, providers hold complaints information as the departments Data Processors, but the department still remains the Data Controller.

As stated previously the department has over 550 separate contracts with providers, and that these providers are responsible for their own complaints process therefore the information you have requested is not held centrally in one place, but instead held in multiple locations, and we would need to contact each provider to obtain all the complaints data they hold as our data processor.

We previously replied by stating that we estimate that the cost of complying with your request would exceed the appropriate limit of £600. The appropriate limit has been specified in regulations and for central government is set at £600. This represents the estimated cost of one person spending 3½ working days in determining whether the department holds the information, and locating, retrieving and extracting the information.

To reiterate our previous point, if you reduce the size of your request, by specifying the type of complaints information you require, reducing the time frame of your request, limiting your request to one specific programme or to an active programme, where information would not have been archived, then we may be able to answer your new request within the appropriate costs limits.

We will consider afresh any revised request, however, we cannot guarantee that any revised request will fall within the cost limit.

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

Yours sincerely,

Contracted Health and Employment Services Fol Team
Department for Work and Pensions

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