

DWP Central Freedom of Information Team

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

Our Ref: VTR IR 27

Date: 18 February 2014

Dear Mr Morley,

You wrote to us on 20 January 2014 with further comments on our review of your original correspondence under the Freedom of Information Act. A further internal review has been carried out by someone of a senior grade to the person who dealt with your original request. I am now in a position to respond to you. Please accept my apologies for the delay in responding. In your review request you said:

“On point 1, the Department does not hold information or data in relation to the National Health Service and its costs. This is and remains a matter for the Department of Health. As outlined earlier the Freedom of Information Act does not require the Department for Work and Pensions to create or obtain information it does not hold.

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That may be the case but it would be in the best interest of the department to obtain this information from the NHS to support their own argument and to not do so shows a lack of commitment to address what is a very serious case of discrimination of a small number of British citizens and the information would enable the department to respond with some concrete evidence instead of just passing it off as not our business. Therefore if I ask the question and return with the answer will the department honour this new evidence and finally justify the denial of the indexing of my pension ?

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On point 2, information is not available on potential UK and EU benefit entitlement for UK State Pension recipients living overseas, or the hypothetical expenditure on such benefits if those State Pension recipients had remained in or returned to the UK.

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You have not even attempted to answer this I feel, which must be part of your overall administration costs regarding those that do benefit and you seemingly are not able to make any reasonable calculation given that you must know much the overall cost of the whole operation is and how much covering the various areas of business that you do costs.

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On point 3, as stated previously no information is available concerning the costs for maintaining a department to uprate frozen UK State Pension for those pensioners who return to the UK. The Department does not collect statistical data on the activities associated with restoring state pensions to the UK level when a person returns to, or visits, the UK. Therefore the information you have requested is not available.

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This is your department and to deny having any knowledge of the costing of the various elements of it is just not acceptable surely which suggests that you do not wish the public to

know how much saving you could make by not having to deal with the discriminative frozen pension policy which would be available in any business outside like a pension provider knowing all aspects of his organisation in order to promote the profitable and reduce the unprofitable line. Thereby being able to make a good decision over future policy.

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On point 4, you have been provided with the fullest information we have concerning the Oxford Economics Report, including the ministerial response to the document read out in the House of Commons. There is nothing further to add to the information you have already been given.

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From the ministers response it would appear that the Oxford Economics report was totally ignored and considered worthless and probably not even read as it would compromise the inclusion of clause 20.

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You finally say that: Under the Freedom of Information Act and the Environmental Information Regulations you have a right to request any recorded information held by a public authority, such as a government department, local council or state school. Environmental information requests can also be made to certain non-public bodies carrying out a public function.

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To which I feel I must say the the DWP also has that right and can ask the NHS for the information required in point 1 above.

I realise that you must have so many questions and queries and to deal with them quickly, short cuts are no doubt employed but we are dealing with a serious financial situation affecting many elderly people destined for poverty which cannot be right in a civilised and democratic country.

I would add that my response is not intended to be abusive but realistic in content."

It may be helpful if I explain the role of the Freedom of Information Act. The Act provides a right of access to recorded information held by a public authority like DWP (subject to certain exemptions). The Act does not provide that a public authority must create new information to answer questions; nor does it provide that a public authority give advice, opinion or explanation in relation to issues/policies under question.

I have reviewed your latest email. As the Department is not required under Freedom of Information Act to obtain information from third parties or create estimates, I find no issue with the handling of the last request. The last response is therefore upheld.

If you want a bespoke response to your correspondence outside of the Freedom of Information regime, please send it to 'ministerial.correspondence@ dwp.gsi.gov.uk'.

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

Yours sincerely,

DWP Central FoI Team

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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 [www.ico.gov.uk](http://www.ico.gov.uk)