

DWP Central Freedom of Information Team

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

Our Ref: VTR IR 197

23/4/14

Dear George Morley,

Thank you for your Freedom of Information (FOI) review request received on 12/4/14 in which you asked for a review of your Fol request dated 29/11/13 'Criteria for an indexed pension'. This is Fol 5065, in which you asked the following;

- 1. As the criteria for a person is now 35 years and I paid in for at least 44 years then I qualified for a fully indexed pension on retirement in 1999. Do you agree ?**
- 2. The fact that there is no requirement for any agreement, reciprocal or bilateral with any country outside of the UK for the indexed pension to be paid has been admitted by the DWP. Do you agree?**
- 3. Why does the Department illegally withhold the indexing to my pension then and please explain how and why this is ?**
- 4. Pensions paid abroad from government departments are indexed around the world and so is my service pension. I served for 26 years in the Royal Air Force. Please explain why there is a double standard between these as my state pension is frozen for some inexplicable unjustified reason. Please justify this.**
- 5. Contributions made by employers are therefore being misappropriated by the government if they are not used for the true purpose for which they are made. Please explain why this is justified.**

We provided the following response on 18/11/2013.

Personal information about you is treated as exempt information under section 40 (1) of the Freedom of Information Act 2000 (FOIA) This is because you are normally entitled to a copy of the personal information that the Department holds about you under the provisions of the Data Protection Act 1998. By handling your request under provisions of the Data Protection Act 1998, DWP are protecting your rights over your own personal information.

With regard to the rest of the request, it may help if I explain that the Freedom of Information Act requires public authorities to provide copies of information they already hold in a recorded form, subject to certain exemptions. However it does not require the Department to provide opinions, explanations, generate answers to questions or create or obtain information it does not hold. As you have asked the Department to provide opinion against several questions, we will not be processing this request further.

An internal review of the request and response has now been carried out by someone of a senior grade to the person who dealt with the original request.

It should be noted with regard to question 1 that under the new state pension being introduced from April 2016, people will need 35 qualifying years of National Insurance contributions or credits for the full amount. The new state pension will apply to those who reach State Pension age on or after 6 April 2016. Those who have already reached State Pension age or will reach State Pension age before 6 April 2016 will continue to receive their state pension under existing arrangements. In either case the indexation or uprating arrangements for the state pension where it is paid outside the UK will remain unchanged. With regard to question 4, you asked for explanation of the distinction between the indexation arrangements for the UK State Pension and for the occupational pension you receive. The distinction is that one is paid under the statutory based state pension scheme, whilst the other is an occupational pension paid under its scheme rules and the discretion of its trustees regarding payments made to persons living outside of the UK.

There is nothing further to add to the response you have been sent previously on the original FOI request. All five questions raised ask the Department to enter debate or provide an opinion, with three of the questions specifically asking for consideration of the points raised with regard to your personal information and circumstances. It is not appropriate to respond to this in a Freedom of Information request. In particular, I would draw your attention to the second paragraph of the response of 18 November which confirms that the Department is not required to provide opinions under the Freedom of Information Act.

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 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, Caxton House, Tothill Street, SW1H 9NA. 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