

Dear Amanda Hart,

Thank you for your Freedom of Information request received on 18 September 2019. You asked:

*“From 2015 to the present, please kindly provide the number of times that a court has ruled against the DWP in favour of the claimant for any matter and under Section 16 kindly provide the likely whereabouts of these court records so that we may go through each one and compile the information we originally sought.”*

### **DWP Response**

Firstly, in our previous reply we explained that we did hold the information requested but the cost of complying with that request would exceed the appropriate limit set by regulations. We further explained, when considering s16, that due to the specific nature of your request, we were unable to give any advice so that your request might fall under the cost limit.

In your latest revised request, you have asked for data in relation to all sanction referral decisions overturned by the courts; and, if that data is available, you would then request all court records, to enable you to trawl through the paperwork and identify those referrals made where the claimant had suffered a miscarriage.

With regard to your revised request, I can again confirm that we do hold information falling within the description specified in your request. However, we have estimated that the cost of meeting your request would exceed the cost limit of £600 specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. This represents the estimated cost of one person spending 3½ working days (equivalent to 24 staff-hours) in determining whether the Department holds the information, and locating, retrieving and extracting it.

Under section 12 of the Freedom of Information Act the Department is not therefore obliged to comply with your request and we will not be processing it further.

As explained previously, under section 16 of the Act we should help you narrow your request so that it may fall beneath the cost limit. However, as it is so specific in nature we are unable to offer any meaningful advice to enable you to do this.

It may also be useful if I advise you, even if we were able to provide the data requested, you would be unable to access the court records. This is because the information requested would constitute

personal data of someone other than yourself and as such, it would be withheld in accordance with section 40(2) of the FOIA. You can see the guidance issued by the ICO here:

<https://ico.org.uk/media/for-organisations/documents/1209/personal-data-of-both-the-requester-and-others-foi-eir.pdf>

If you have any queries about this letter, please contact the Department 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 happy with this response you may request an internal review by e-mailing [freedom-of-information-request@dwp.gov.uk](mailto:freedom-of-information-request@dwp.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

Web: [ico.org.uk/Global/contact-us](https://ico.org.uk/Global/contact-us) or telephone 0303 123 1113 or 01625 545745