

To Mr Jones
request-308718-2c0eafa5@whatdotheyknow.com

DWP Central Freedom of Information Team

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

Our Ref: IR 24

17 February 2016

Dear Mr Jones,

Thank you for your email requesting a review of the Department for Work and Pensions (DWP) response dated 20 January 2016, reference FOI 15.

In your email you asked to be provided with information answering the following questions:-

'I am writing to request an internal review of Department for Work and Pensions's handling of my FOI request 'summons and witness name and addreses DWP /ATOS/ tribunal rules'.

You failed to answer the question and submit it as a complaint , which it is not, yet .I am dissatisfied as it does not answer the question . As such I would like a review to confirm the situation with regard to a DWP tribunal regulations.

This would be in the interest of the public as the DWP are a public body

You failed to recognise the request would be in the public's interest, as members of the public are actually attending tribunals and clarification is needed on whether members of the public have the right to question the opposite side ? or do they not.

It is not a complaint as you suggest , just clarification of the procedures .Please confirm if members of the public can summons the atos assessor , the decision maker or the MP according to the tribunal rules , members of the public can request this . Please clarify the situation on behalf of the DWP.'

Please be assured that your request has been given our full consideration and that all aspects of your review were taken fully into account.

I note that in your original request you were requesting an explanation rather than recorded information.

The response of the Freedom of Information (FOI) Officer explained that the FOI Act is not about creating/explaining information or entering into a debate and that it only applies to recorded information held by the Department on the date of the request. It also explained that it is not a complaints mechanism and does not require us to undertake new work to create information, deal with a complaint or investigate general questions that is all normal business dealt with under the appropriate channels. It further explained that your questions could not be classified as being related to the FOI Act.

Having reviewed the original response dated 20 January 2016 I am satisfied that it was correct and I uphold the decision of the FOI Officer.

I also note that in your Internal Review request you mention the public interest. The FOI Act gives a right of access to information that public authorities hold, but it also contains several possible exemptions from that right. Some of these exemptions require the Department to consider the balance of public interest in deciding whether to withhold the information. However, as your questions are not classified as being related to the FOI Act and information is not being withheld under an applicable exemption; the Public Interest Test does not apply.

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.

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