



Department
for Work &
Pensions

DWP Central Freedom of
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Our Ref: IR2020/52067

8 October 2020

Dear Amanda Hart,

Thank you for your Freedom of Information (Fol) internal review request received on 10 September 2020 relating to FOI2020/44602. You wrote:

"I am writing to request an internal review of Department for Work and Pensions's handling of my FOI request 'Unbiased release of information'.

In a response to a prior Freedom of Information request (FOI2020 43370) the department stated it "did not hold the information requested" - which we accept.

However it went on to state "The Department fully complies with its obligations under the Fol Act" which is where the problem is.

Unlike departments such as public relations and press offices any information your Freedom of Information staff gives out MUST COMPLY WITH THE FREEDOM OF INFORMATION ACT. You either provide the information requested, state you have no information or state the clauses of exemption. You don't provide information which it turns out DOES NOT EXIST/YOU HAVE NO RECORD OF.

if the sentence was taken from a recorded press conference transcript - that would have been fine. In response to us asking where it came from your staff could have informed us of this. However it is completely wrong to give out statements which it turns out you have no record of anyone giving. You are an information retrieval service and your responses must comply with the Freedom of Information Act.

Would the internal reviewer like to therefore take this opportunity to retract the sentence in question?

Please be advised if it is not retracted we shall ask the Information Commissioner to investigate the matter."

DWP Response

In response to your internal review request, we can confirm that the handling of your original request and response has now been appropriately reviewed by someone unconnected with the handling of your original request.

As a result of this review we are satisfied that the original response was handled properly and that the outcome of your original request was correct. Your complaint is therefore not upheld and the reason for this is as follows.

The statement you are questioning "The Department fully complies with its obligations under the FoI Act" was provided in response to your FOI request FOI2020/43370 where you requested "copies of staff contracts which warn them not to release information to the public or press which could as a result put the department in a negative light" and "sections of your staff contracts which effectively amends the conditions as stated in request one allowing staff to fully perform their Freedom of Information duties in accordance with the FoIA".

The Departments response to both parts of FOI2020/43370 was that information is not held and as part of our response, and to help provide clarity, we stated "The Department fully complies with its obligations under the FoI Act". The intent of this statement was to help show that the Department follows the FOI Act and provides responses to all requesters based on the legislation, as it is legally required to do so, regardless of if this would "show the department in a negative light".

Therefore, we are satisfied that statement provided was factually correct and its intent was to help show that the Department does not circumvent its responsibilities with regard to the FOI Act.

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

Yours sincerely,

DWP Central Freedom of Information 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: [ICO Contact Information](#) or telephone 0303 123 1113 or 01625 545745