

DWP Policy Group Freedom of Information Team

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

Our Ref: FOI2019/25238

19 July 2019

Dear Frank Zola,

Thank you for your Freedom of Information (Fol) request received on 6 July. You asked:

RE: Universal Credit condition to create, maintain, log-on and use a personal Facebook account.

For Universal Credit claimants, under which legislation and regulations can a claimant be required/mandated to accept the following Facebook terms and conditions:

Terms of Service?

<https://en-gb.facebook.com/legal/terms>

Data Policy?

<https://en-gb.facebook.com/about/privacy>

by having a requirement to create, maintain, log-on and use a personal Facebook account as a sanction based work search and work preparation condition of a Universal Credit claim?

To assist with this request below is an appendix, showing the full text of Facebook the 'Terms of Service' and 'Data Policy'.

Additionally, please provide information that any UC claimant who currently has a requirement to maintain, log-on and use a personal Facebook account

as part of their Claimant Commitment will not get an benefit sanction if they choose to arrange for their Facebook account to be deleted under the Right to erasure/'the right to be forgotten' guaranteed under the General Data Protection Regulation

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-erasure/> or they no longer wish to have Facebook be included or referred to in Claimant Commitment under any circumstances?

Under what regulations and legislation can a UC claimant get a benefit sanctions if they do exercise their 'Right to erasure' and have their Facebook account deleted, when it is included as a requirement in a UC Claimant Commitment?

Under what regulations and legislation can a UC claimant get a benefit sanctions if they decline to have their personal Facebook be included or referred to in Claimant Commitment under any circumstances?

Please disclose your internal guidance for Work 'Coaches' that refers to Facebook, Twitter, LinkedIn and creation of online social media accounts.

DWP Response:

It may be helpful if I explain the role of the Freedom of Information Act. The Act provides a legal right of access to recorded information held by a public authority like DWP, subject to certain exemptions that may apply. The Act does not oblige a public authority to create new information to answer questions; nor does it require a public authority to give advice, opinion or explanation, generate answers to questions, or create or obtain information we do not hold. If you ask a question, rather than request recorded information, we will provide you with the recorded information that best answers the question. Once we have provided the recorded information, we have met our obligations under the Act; interpreting the information provided is up to you.

To be helpful you may find the following information useful. This has been provided outside our obligations under the Freedom of Information regime.

Section 21 of the Freedom of Information Act allows us to direct you to information that is reasonably accessible to you, as it is already in the public domain.

'Welfare Reform Act 2012, Part 1, Chapter 2 Claimant Responsibilities'

<http://www.legislation.gov.uk/ukpga/2012/5/part/1/chapter/2/enacted>

'Advice for decision making: staff guide'

<https://www.gov.uk/government/publications/advice-for-decision-making-staff-guide>

This provides advice for DWP decision makers on Universal Credit, PIP and contribution-based JSA and ESA for people who are eligible for Universal Credit.

In relation to:

'Please disclose your internal guidance for Work 'Coaches' that refers to Facebook, Twitter, LinkedIn and creation of online social media accounts.'

The Department does not hold the requested information.

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

Yours sincerely,

DWP Policy Group Fol 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@dwg.gov.uk or by writing to DWP, Central Fol 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 or telephone 0303 123 1113 or 01625 545745