

To: Mr B Adams
C/o request-145307-d07cff7c@whatdotheyknow.com

8 April 2013

Dear Mr Adams

Freedom of Information Act – Request for Information
Our Reference: IR 266

Thank you for your Freedom of Information request which we received on 19 March 2013.

As the (Fol) Internal Reviewing Officer, I have read your letter and accepted this as a request for an Internal Review of FOI 173 dated 12 January 2013.

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

Dear DWP DWP Medical Services Correspondence,

Please clarify the following points...

- 1. You state in your response that “You are supplying your information to ATOS Healthcare who are contracted to provide medical services to the Department”..... The contract is actually with Atos IT Services UK Limited.. even the DWP seems confused.. could you clarify this..*
- 2. Both the DWP and Atos have confirmed that Atos Healthcare is just a trading name of Atos IT Services UK Limited, whereas on the Atos web page, Atos Healthcare is a business division of Atos Origin”. Are Atos wrong about who they are.. could you clarify this?*
- 3. Could you clarify.. are Atos Origin, Atos Healthcare and Atos IT Services UK Limited the same entities.? (On the WCA Recording Consent form Atos Healthcare indicates that it is separate legal personality from Atos IT Services UK Limited by the absence of the legal requirement to include the registered details.)*
- 4. The consent on the form required to be signed by the claimant states.. “any organisation with which the Department has a contract for the provision of medical services”, ..this would be Atos IT Services UK Limited, not any of the divisions such as British Rail Business Systems which is a division of Atos, nor does it state Atos Healthcare..*

The consent also includes the phrase .. “any HCP advising the Department.”. which in reality could be any department in the DWP and any HCP employed for staff sickness, OT etc... This again make no mention of Atos Healthcare...

- a. With reference to the above, could you provide a copy of the information from the DWP giving notification to the claimant of the specific requirement to supply their sensitive information to ANY third party including Atos Healthcare .. prior to the claimants receipt of the ESA50..*
- b. Furthermore could you provide a copy of the DWP information provided to the claimant requiring them to provide sensitive information in response to letters headed “Medical Services” which is yet another division of Atos IT services.*

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

The review was conducted by an independent official of the Department, of the relevant grade and authority to carry out such requests. The case has been examined afresh, and guidance has been sought from domain experts to ensure all factors were taken fully into account.

After consideration the Internal Review Officer (IRO) has, in reviewing your request upheld the decision of the Freedom of Information Officer in part and has added information where appropriate. A full investigation has been conducted into your original request to check that the information previously supplied to you, clearly and accurately answered your request. The IRO is therefore satisfied now that all the information that DWP are able to supply to you has been supplied.

I note that the response sent to you referred to Atos Healthcare being the provider of medical services to DWP. It may be helpful to explain that following open competitive tender, 3 bidders were considered. DWP subsequently re-awarded Atos Origin IT Services Ltd, trading as Atos Healthcare the medical services contract. Atos Healthcare is therefore DWP's only provider of this specific type of assessment.

Atos Healthcare is a business unit within Atos IT Services UK Limited. Their full postal address is: Atos IT Services UK Limited, 4 Triton Square, Regent's Place, London, NW1 3HG, the company registration number is 1245534

Freedom of Information exists to demonstrate that the Government is open and transparent. The response should have further explained that where information is already in the public domain, Section 21 of the Act allows the department to signpost the requester to the information, thereby ensuring that resources are not diverted away from core duties in order to duplicate the publication of such information.

In answer to your specific points **4a & 4b** the following link www.dwp.gov.uk/docs/esa1-print.pdf provides information in response to your additional questions. At part 23 the declaration states that claimants agree that the information given may be shared with *"any organisation with which the Department has a contract for the provision of medical services"*. Atos Healthcare are not specifically mentioned in the forms etc. This is because the reprint and destruction of unused forms etc would not be considered an effective use of public money as the declaration would require amendment should the medical services contract be awarded to another contractor(s).

All DWP staff are required to sign, and are therefore bound by, the Official Secrets Act 1911 and the Civil Service Code. The Code sets out the constitutional framework within which all civil servants work and the values they are expected to uphold. Therefore any information provided by a claimant is held in confidence. There may be instances when an organisation acting on behalf of DWP e.g. Atos Healthcare may also have sight of this information in order to assist in the processing of benefit claims, in these instances, the same confidentiality rule applies. Any person found to be knowingly disclosing confidential information would be subject to disciplinary action and in some instances it would be deemed a criminal offence.

Yours sincerely

Business Management Team
Health & Disability Assessments (Operations)
dpw.medicalservicescorrespondence@dpw.gsi.gov.uk

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 xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx@xxx.xxx.gov.uk or by writing to DWP, Central FoI Team, Caxton House, Tothill Street, London 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