

DWP Central Freedom of Information Team

xx@xxx.xxx.gov.uk

Our reference: VTR 2440

13 June 2014

Dear Mr Williams,

Thank you for your Freedom of Information (Fol) request received on 1 June 2014. You asked:

1.Since the assessment phase of ESA is 13 weeks, and in my personal circumstance where my condition/disability has been measured (through nerve conductivity tests(EMG)etc, i.e I cannot make a false claim),why am I still waiting for my assessment after 28 weeks?

2.ATOS, after I contacted them about the obvious delay, refused to acknowledge that there was a delay and that they were acting within their Terms of Contract - are they wrong or is the DWP website woefully misleading?

3.Is the DWP computer system networked with the Tax Credits System in any way i.e are you able to check Tax Credits status of a claimant?

1. Personal information about you is treated as exempt information under section 40(1) of the Freedom of Information Act 2000 (FOIA). This is because you are normally entitled to a copy of the personal information that the Department holds about you under the Data Protection Act (DPA) 1998 instead. By handling your request under the provisions of the DPA 1998, DWP are protecting your rights over your own personal information.

Requests for personal information are dealt with by Data Protection Officers within DWP. To make a request for information under the DPA Act please follow this link: <https://www.gov.uk/government/organisations/department-for-work-pensions/about/personal-information-charter>

2. The Freedom of Information Act (Fol) provides access to information held by a public authority at the time of the request. It is not about creating information, entering a debate on the meaning or definition of phrases used or educating the requestor on what things mean, therefore this question cannot be classified as being related to the Fol Act.

3. At the core of the Department's Benefit Systems is the Customer Information System (CIS). This system sets an interest flag when Tax Credit is in payment and exchanges and receives information from Tax Credit and other systems. So we can look at the status of a claimant at any time.

There is an interface between Tax Credits and the Departmental legacy systems ISCS and JSAPS and any new awards would be downloaded directly once they have been identified.

ESA has two components: Contribution Based ESA and Income Related ESA. Conditions of entitlement state that the onus remains on the customer to share information with the Department. Further details can be found at: <http://www.hmrc.gov.uk/manuals/idgmanual/idg51200.htm> .

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

Yours sincerely,

DWP Central 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@dwpgsi.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 www.ico.org.uk/Global/contact_us or telephone 0303 123 1113 or 01625 545745