

DWP Central Freedom of Information Team

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Our Ref: IR 0467

17 August 2012

Dear Frank Zola,

Thank you for your email dated 24 June 2012 requesting a review of your previous FOI request (FOI 2741).

In your review request you asked the following:

*My request was not for copies of the amended versions of your Consent Form, (copies of which are already on whatdotheyknow.com) this DWP consent form <http://www.dwp.gov.uk/docs/pg-chapter-5.pdf> was only developed for the purposes of confirming customer's employment details with employers.*

*"As part of the payment validation process for job related outcomes, Providers are required to obtain customer consent to allow DWP to contact their employers. A customer consent form has been designed for this purpose and can be found at Annex 1 of Chapter 5 of the Generic Provider Guide." <http://www.dwp.gov.uk/supplying-dwp/what-we-buy/welfare-to-work-services/notices-to-providers/generic-prov-guide-ch-5-rev.shtml>*

*The request was for additional Customer Declarations that the list of Providers named mentioned use to share customer personal data, such as their CV, with a Third Party like employers.*

*The Data Protection Act requires your Providers to use Customer Declarations/Agreements/Declarations that give them additional specific fully-informed authority for collecting, processing and sharing customer information/data, with any Third Party, such as an Employer or Training Provider.*

*Please provide a copy of these additional Customer Declarations used by all the Providers named, without these Declarations your Providers are processing personal info/data (on your behalf) without complying with the need for fully informed specific customer knowledge or consent.*

*On 13th June 2011 you issued a guidance memo GPG 0001, which whilst withdrawn mentioned the requirement for the Providers named to have an:*

*"information disclosure consent form" which "must, as a minimum, contain the following information":*

*What customer's information your organisation will collect why the organisation needs the information, for example for the purpose recording the numbers of customers placed into training and/or employment , monitoring the effectiveness of the service and reporting outcomes to DWP and claiming associated payments how the information will be stored when and why the information will be shared with a third party, for example an employer will be contacted when the customer starts work within so many weeks of leaving provision for the purpose of obtaining evidence of employment so that a job outcome payment can be claimed from DWP*

*Your organisation needs to make it clear to customers that giving consent is voluntary and that refusal to give consent or withdrawal of an existing consent will not affect any benefit they may be entitled to.*

*Authorisation to contact an employer to obtain evidence of employment must be expressly stated by the Provider and consented to by the customer before any information disclosure takes place.*

*<http://www.dwp.gov.uk/supplying-dwp/what-we-buy/welfare-to-work-services/notices-to-providers/generic-prov-guide-ch-5.shtml>*

*To confirm I want a copy of your Providers: Customer Declarations or forms referred to as a "information disclosure consent form" above.*

*Which concern the collecting, sharing and processing of your customers personal data that are not covered by your Consent Template shown in Annex 1 of <http://www.dwp.gov.uk/docs/pg-chapter-5.pdf>.*

*If any of your providers are not using any additional Data Protection Customer Declaration Forms they are not complying with the Data Protection Act.*

*It is clear that if your Providers do not follow the guidance given in the DWP 2008 memo they are not in "Compliance with Data Protection Act and Information Disclosure"*

*<http://www.dwp.gov.uk/supplying-dwp/what-we-buy/welfare-to-work-services/notices-to-providers/generic-prov-guide-ch-5.shtml>*

*They also need to introduce new 'information disclosure consent forms' as Providers only Process your customers personal data of your behalf and the DWP must ensure, as the Data Controller, that these Providers are using a:*

*Customer Declaration form referred to as a "information disclosure consent form" above, to ensure that your Providers the DWP Data Controller are in Compliance with the Data Protection Act (1998) and Information Disclosure.*

*Please note this request is not just for forms with names like Customer Declarations or a "information disclosure consent form", but also for any Data Protection Customer Declarations that can be contained in forms that have many purposes. An example of one of your Providers that use Customer Declarations is A4E, for example:*

*"Declaration I agree to my personal details, including CV's, being shared, in hard copy or electronic format, with Jobcentre Plus, the Department of Work & Pensions, the European Social Fund and legitimate organisations or employers. "*

*<http://www.whatdotheyknow.com/request/108222/response/268440/attach/html/7/PRIVATE%20Welcome%20Induction%20Checklist%20v41.pdf.html>*

*Clearly this A4E Customer Declaration covers customer data sharing and collection that your Consent form shown in Annex 1 of <http://www.dwp.gov.uk/docs/pg-chapter-5.pdf> does not. This is an example of all the Provider Customer Declarations I am requesting.*

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.

Please find attached the latest versions of Work Programme prime providers consent forms which relate to information disclosure. In relation to Reed they use the DWP prescribed Informed Consent form as located in the Provider Guidance. Included in the attached documentation is the additional information Reed use on their system generated security forms.

You have now exhausted the Departmental internal review process; if you are not content with the outcome, the next step is for you to apply directly to the Information Commissioner's Office for a decision. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF [www.ico.gov.uk](http://www.ico.gov.uk)

Yours sincerely,

DWP Central FoI Team

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**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.gov.uk](http://www.ico.gov.uk)