

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 10 December 2013

Public Authority: Department for Work and Pensions

Address: Caxton House
Tothill Street
London
SW1H 9NA

Decision (including any steps ordered)

1. The complainant has requested information broadly concerning overpayments passed on to private companies by the Department for Work and Pensions (DWP)
2. The Commissioner's decision is that the DWP has not issued a response to the complainant and has therefore breached section 1 and section 10 of the FOIA.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - The DWP must issue a response to the complainant's request.
4. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 28 June 2013, the complainant wrote to the DWP requesting information.
6. The DWP did not respond to the request.

Scope of the case

7. The complainant contacted the Commissioner on 19 August 2013 to complain about the way her request for information had been handled.
8. The Commissioner will consider the DWP lack of response.

Reasons for decision

9. Section 1 of the Act states that an individual who asks for information is entitled to be informed whether the information is held and if the information is held, to have the information communicated to them.
10. Section 10 of the Act states that a public authority must respond to a request promptly and "*not later than the twentieth working day following the date of receipt*".
11. The Commissioner notes that the complainant contacted the DWP about its lack of response. The Commissioner also contacted the DWP about this issue and it had explained that a response had been completed but it had been sent to the wrong address. The DWP explained that it would send the response to the correct address. However, the complainant has still not received a response from her request for information.
12. The Commissioner therefore considers that the DWP is in breach of sections 1 and 10 of the FOIA. He finds that the DWP must respond to the complainant within 35 calendar days from the date of this decision notice.

Right of appeal

13. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

14. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
15. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Rachael Cragg
Group Manager – Complaints Resolution
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF