

Freedom of Information Act 2000 (the Act)

Decision notice

Date: 7 January 2022

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 on the access rights of different staff groups using the Universal Credit IT system.
2. Following the Commissioner's intervention, the Department for Work and Pensions (DWP) confirmed that it was withholding some of the requested information under section 31 (law enforcement).
3. The Commissioner's decision is that section 31 is engaged in relation to the withheld information and the balance of the public interest lies in maintaining the exemption.
4. DWP did not confirm whether it held the requested information within the statutory timeframe and has therefore breached section 10(1). It also did not provide a valid refusal notice within the statutory timeframe and has therefore also breached section 17 of the Act.
5. The Commissioner does not require DWP to take any further steps in relation to this request.

Request and response

6. On 9 October 2020, the complainant wrote to DWP and requested information in the following terms:

"There is a known issue with UC claims, normally cited as "computer says no", relating to where a claimant asks for some action to be taken and gets the response that the action cannot be carried out because

there is no option on the IT system to do so, or the option is disabled or "greyed-out".

Having not seen the internal working of the system I can only assume:

- That work coaches have a certain degree of access.*
- That case managers have a different degree of access.*
- That decision makers, managers, etc. have a different degree of access again.*

Could you please provide details of the differences in access rights for user groups on the UC IT/claim management systems – to alter details, start processes etc?

I would also specifically ask if there are any fields on a UC claim that:

- 1) Absolutely cannot be changed, and*
- 2) Can only be changed by the client".*

7. DWP provided its response on 20 October 2020. It explained the right of access to recorded information and provided an explanation outside of the Act regarding inputting information into a claim by the claimant. DWP did not confirm or deny whether it held any recorded information falling within the scope of the request, however, it did confirm that there are no fields on a Universal Credit claim that can only be changed by the claimant.
8. On 16 November 2020, the complainant wrote to DWP and requested clarification of DWP's interpretation of the request. They confirmed that the scope of the request should include the back-end of the system, which is only visible to DWP staff, as well as the front-end of the system which is available to claimants.
9. They explained that they were aware of claimants being unable to progress claims due to various reasons, including the agent's access level, evidence not being in a specific format or a specific field not being completed. They confirmed that their request was not only concerned with editable data fields but included the starting and amending of claim processes.
10. DWP conducted an internal review and provided the outcome on 25 November 2020. DWP upheld its original response and confirmed that it did not hold information falling within the scope of the request. DWP confirmed that it had provided an explanation outside of the Act and

provided a further explanation regarding changing information on the system.

Scope of the case

11. The complainant submitted a complaint to the Commissioner regarding the outcome of DWP's internal review on 29 November 2020. They confirmed that DWP had misinterpreted the request and DWP had not therefore provided the requested information.
12. The Commissioner wrote to DWP and confirmed his view as to the objective interpretation of the request by setting out that the complainant was seeking information regarding the differences in access rights between the various user groups within DWP which would allow or prevent those user groups from performing an action within the Universal Credit systems.
13. DWP accepted the above interpretation as the correct interpretation and issued a revised response on 10 September 2021. DWP confirmed that it held information falling within the scope of the request. In response to the request for the different access rights for staff groups, DWP provided a list of "Roles Based Access Control privileges" in which it had redacted information on the basis of section 31(1)(a). DWP confirmed that it considered the balance of the public interest lay in maintaining the exemption.
14. The requested information comprises an explanation of "Roles Based Access Control"¹, a list of job roles and the corresponding system access privileges afforded to each role. DWP redacted the privileges for each job role.
15. With regards to the request for fields that "*Absolutely cannot be changed*", DWP confirmed that there are no data fields that absolutely cannot be changed.
16. The complainant confirmed on 21 September 2021 that they wished to challenge DWP's reliance on section 31(1)(a) to withhold information falling within the scope of the request.

¹ An access control method which allows an organisation to allow or restrict access to different areas of its systems based on the job role of the user.

17. The Commissioner therefore considers that the scope of this investigation is to determine whether section 31(1)(a) is engaged in relation to the redacted information and whether the balance of the public interest lies in disclosure or maintaining the exemption.

Reasons for decision

Section 31: Law enforcement

18. Section 31(1) of the Act states:

"Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice –

(a) the prevention or detection of crime".

19. In order for a prejudice based exemption such as section 31(1)(a) to be engaged, the Commissioner considers that three criteria must be met:

- Firstly, the actual harm which the public authority alleges would, or would be likely to, occur if the withheld information was disclosed has to relate to the applicable interests within the relevant exemption;
- Secondly, the public authority must be able to demonstrate that some causal relationship exists between the potential disclosure of the information being withheld and the prejudice which the exemption is designed to protect. Furthermore, the resultant prejudice which is alleged must be real, actual or of substance; and
- Thirdly, it is necessary to establish whether the level of likelihood of prejudice being relied upon by the public authority is met – ie, disclosure 'would be likely' to result in prejudice or disclosure 'would' result in prejudice. In relation to the lower threshold, the Commissioner considers that the chance of prejudice occurring must be more than a hypothetical possibility; rather there must be a real and significant risk. With regard to the higher threshold, in the Commissioner's view, this places a stronger evidential burden on the public authority. The anticipated prejudice must be more likely than not.

DWP's submissions

20. DWP explained that it had redacted the Roles Based Access Control privileges as they provide a comprehensive blueprint to the access management that underpins Universal Credit Full Service. DWP

explained that release of this detail could be used by malicious actors in conjunction with other information in the public domain to facilitate an attack on the Universal Credit Full System.

21. DWP explained that for these reasons information about what can and cannot be accessed or controlled within a role or profile is not shared with its agents. DWP explained that this limits the "insider" threat of rogue agents or those acting in collusion with organised crime or fraud from sharing their capacity and ability to de-fraud DWP.
22. DWP considered that disclosure of the detailed Roles Based Access Control profile information would be likely to put it at a greater risk of 'spear phishing'.
23. DWP explained that phishing is when attackers attempt to trick users into doing 'the wrong thing', such as clicking a bad link that will download malware, or direct them to a website with the purpose of infiltrating their PC or device. The Roles Based Access Control information which is being withheld would allow an attacker to target specific groups of users, ask them to undertake activities specific to their role and make their messages more plausible, realistic and persuasive. DWP explained that this is known as spear phishing.
24. DWP set out that many DWP staff have LinkedIn profiles where they have clearly articulated their role within DWP.
25. DWP considered that combining publicly available information with the Roles Based Access Control privileges would make targeting someone with a specific set of privileges a trivial task.
26. DWP explained that disclosure would also make it easier for criminals to target specific members of staff to coerce them into carrying out a specific activity, knowing that this can be done with their access profile.
27. In its response to the complainant, DWP set out that its threat intelligence centre, as part of the 2021 Annual Strategic Threat Assessment, scored spear phishing of staff as the second highest threat scenario. DWP explained that this is largely due to the fact that email is the biggest attack surface for DWP. DWP explained that in 2020 it received 192 million emails, half of which were blocked as spam, indicating the existing scale of the risk.
28. DWP considers that allowing malicious actors to perform more targeted attacks would be likely to have a significant negative effect on this existing high risk.

29. In its submissions to the Commissioner, DWP confirmed that it was relying on the 'would be likely to' prejudice threshold level in relation to section 31(1)(a).
30. The complainant acknowledged that some information may require redaction but disputed that a blanket application of section 31 was necessary. The Commissioner therefore asked DWP whether disclosing some of the withheld information would result in a less prejudicial effect.
31. DWP confirmed that, having reviewed its position, it believes that selective disclosure would still present a risk as it would be possible to infer details about the privileges of the redacted roles.
32. DWP set out that the National Crime Security Centre advises organisations that since attackers use publicly available information about an organisation and its users to make spear phishing messages appear more convincing, one key mitigation is to reduce the information available to attackers.

The Commissioner's position

33. With regards to the first criterion, the Commissioner is satisfied that the harm envisaged relates to the interest that section 31(1)(a) seeks to protect against, specifically the prevention of crime.
34. The Commissioner next considered whether the prejudice being claimed is "*real, actual or of substance*", not trivial and whether there is a causal link between disclosure and the prejudice claimed. He is satisfied that the prejudice being claimed is not trivial or insignificant and he accepts that it is plausible to argue that there is a causal link between disclosure of the disputed information and the prejudice occurring. The prejudice in this case would be to DWP's ability to prevent unlawful access to its system and safeguard the data held in its system. There is a clear causal link between the disclosure of the withheld information and an increased risk of unlawful access.
35. The Commissioner notes that DWP is arguing that the disclosure of the withheld information *would be likely* to prejudice the prevention of crime. In the case of *John Connor Press Associates Limited v The Information Commissioner (EA/2005/0005)* the Tribunal confirmed that, when determining whether prejudice would be likely, the test to apply is that "*the chance of prejudice being suffered should be more than a hypothetical possibility; there must have been a real and significant risk*". (paragraph 15). In other words, the risk of prejudice need not be more likely than not, but must be substantially more than remote. The Commissioner accepts that disclosure of the withheld information would be likely to prejudice the prevention of crime.

36. The Commissioner finds that the prejudice test has been satisfied in the circumstances of this case and consequently the exemption at section 31(1)(a) is engaged.
37. Section 31 is a qualified exemption. By virtue of section 2(2)(b) of the Act, DWP can only rely on section 31 as a basis for withholding the information in question if the public interest in doing so outweighs the public interest in disclosure.

Public interest in disclosure

38. DWP acknowledged that there is a public interest in DWP explaining that there are protocols in place to protect the Universal Credit IT system in order to reassure individuals that the government is protecting their data. In addition, DWP considers that if customers were to receive unsatisfactory service, this information may enable them to challenge and, in turn, raise the level of service.
39. The complainant asked the Commissioner whether examples of claimants encountering the issues set out in their request would be beneficial to the investigation. The Commissioner confirmed that these would be considered as part of the balance of the public interest and advised that it would be helpful to understand how disclosure of the withheld information would aid claimants in making their claims and avoiding the obstacles they had raised concerns about. Unfortunately, the Commissioner has not received any further correspondence from the complainant.

Public interest in maintaining the exemption

40. DWP set out that, as detailed above, releasing detailed Roles Based Access Control profile information would be likely to put DWP at a greater risk of spear phishing. DWP explained that many DWP staff have LinkedIn profiles where they have clearly articulated their role within DWP and combining this with the Roles Based Access Control profiles would make targeting someone with a specific set of privileges a trivial task.
41. DWP reiterated that in 2020, half of the 192 million emails received by DWP were blocked as spam and this indicated the scale of the risk of spear phishing against DWP. DWP considers that allowing malicious actors to perform more targeted attacks would be likely to have a significant negative effect on this existing high risk.
42. DWP considered that, taking these factors into account, disclosing the detail of access privileges is not in the public interest.

43. DWP also considered that disclosure of the withheld information would not properly identify or resolve the underlying service complaint that has triggered this request.
44. DWP considers that, on balance, the public interest in withholding the information, which can be linked to other information already in the public domain (the mosaic effect) to assist fraudulent activity far outweighs the public interest in releasing it. DWP set out that if an individual is unhappy about the Universal Credit Service they have received, details about how to make a complaint are publicly available.
45. The Commissioner asked DWP for its comments on the requester's statement that claimants have experienced difficulties with the claims process due to the differences in access rights between different work groups and the public interest in disclosure to aid this.
46. DWP stated that there are no circumstances where Universal Credit claims cannot be progressed because a DWP agent is unable to put in a correct response or override the requirement for specific evidence.
47. DWP explained that Universal Credit is a means tested benefit and entitlement is dependent on a claimant meeting a variety of conditions of entitlement. For example, fulfilling the requirement to be resident in the UK or the requirement to be available for work. DWP set out that information to confirm that the claimant satisfies these conditions of entitlement is required for a decision on a claim to be made.
48. DWP explained that verification of a claimant's circumstances is also required to enable an accurate Universal Credit decision to be made. For example, self-employed claimants need to provide details of their income and expenses; claimants in private sector rented accommodation are required to provide proof of their rental payments.
49. DWP explained that the Universal Credit claim form is designed to gather all of the information required to make a decision on a claim. DWP explained that in most cases, if the claim is fully completed then sufficient information has been gathered to progress a claim. DWP set out that in some more complex circumstances, additional information needs to be requested from a claimant to inform an accurate Universal Credit entitlement decision and agents work to help claimants provide the necessary information so that the correct entitlement decision can be made.

50. DWP confirmed that in any circumstance a claimant is entitled to a decision about their Universal Credit claim and can request a Mandatory Reconsideration (a review) if they are not content with the decision. DWP set out that guidance on how to do this is available on GOV.UK².
51. DWP explained that, in relation to the complainant's comments in the request and request for internal review, without specific details it is not possible to determine why claimants may have experienced difficulties with the Universal Credit claim process.
52. DWP confirmed that information is available to help claimants understand the Universal Credit claim process, and that DWP publishes Universal Credit staff guidance documents in the House of Commons library, twice yearly, as part of its transparency agenda.
53. DWP explained that these documents provide a Plain English narrative of its policy and design and are themed by subject, for example, Habitual Residency Test and Medical Evidence including Fit Notes. DWP set out that the most recent deposit could be found in "DEP2021-0349"³.
54. DWP confirmed that if a claimant is dissatisfied with responses provided in relation to their Universal Credit claim, there is a published complaints procedure⁴.
55. DWP explained that if a claimant would like to complain about any aspect of the service, they can contact DWP by phone, in person or in writing. DWP confirmed that a complaint can be made online⁵ or by telephone⁶.

Balance of the public interest

56. The Commissioner accepts that there is a public interest in the disclosure of information confirming the measures DWP has taken to ensure that claimants' personal data can only be accessed by those who need to. He also acknowledges that the complainant considers that

² <https://www.gov.uk/mandatory-reconsideration>

³ <https://depositedpapers.parliament.uk/depositedpaper/2283183/files>

⁴ <https://www.gov.uk/government/organisations/department-for-work-pensions/about/complaints-procedure>

⁵ <https://makeacomplaint.dwp.gov.uk>

⁶ 0800 328 5644

knowing the differences in access levels would aid claimants who encounter difficulties when the DWP official is unable to progress beyond a certain point or field. DWP has confirmed, via the redacted document, that there are differences in access levels.

57. The Commissioner notes that the information contained within the Universal Credit system is the personal data of millions of individuals who are reliant on this system working to maintain their financial support.
58. There is, therefore, a strong public interest in protecting this personal data from unlawful access as well as a strong public interest in ensuring that the Universal Credit system is not hacked and benefit payments interfered with.
59. The Commissioner is mindful of the large scale cyber attacks, such as the NHS cyber attack in 2017⁷, that have been undertaken against public authorities and the attempts to gain unlawful access to government systems, the high risk of which is confirmed by DWP's Annual Strategic Threat Assessment.
60. Preventing unlawful access to the Universal Credit system is also likely to prevent fraudulent claims and protect public funds.
61. Whilst the Commissioner understands that the complainant has knowledge of claimants experiencing difficulties when attempting to progress through the claim progress, he is not persuaded that the public interest in disclosure outweighs the strong public interest in preventing unauthorised access to DWP's Universal Credit system.
62. In the specific circumstances of this case, the Commissioner considers that the public interest in maintaining the exemption outweighs that in disclosure.

Section 10 & 17: Time for compliance

63. Section 1(1) of the Act states that:

"Any person making a request for information to a public is entitled –

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<https://publications.parliament.uk/pa/cm201719/cmselect/cmpubacc/787/787.pdf#:~:text=The%20WannaCry%20cyber-attack%20on%20Friday%2012%20May%202017,more%20than%20a%20third%20of%20NHS%20trusts%20affected.>

- (a) *to be informed in writing by the public authority whether it holds information of the description specified in the request, and*
- (b) *if that is the case, to have that information communicated to him”.*
64. Section 10(1) 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 the receipt*”.
65. Section 17(1) of the Act states that:
- “A public authority which, in relation to any request for information, is to any extent relying on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request or on a claim that information is exempt information must, within the time for complying with section 1(1), give the applicant a notice which –*
- (a) *states that fact,*
- (b) *specifies the exemption in question, and*
- (c) *states (if that would not otherwise be apparent) why the exemption applies.”*
66. As DWP failed to confirm that it held the requested information and that it was relying on section 31 to withhold some of this information within the time for compliance, it has breached section 10(1) and 17(1).

Other matters

67. The Commissioner has concerns regarding the handling of this request for information. DWP failed to respond to a clear request for recorded information in accordance with the Act and instead provided an explanation. DWP also failed to rectify this at internal review.
68. As a large governmental department, the Commissioner considers that DWP has the resources and expertise to understand the basic principles of the Act and he would not expect DWP to make such a fundamental error when responding to a request under the Act.
69. DWP acknowledged these failings in its submissions to the Commissioner and he expects DWP to take steps to improve both its request and internal review handling procedures in these respects.

Right of appeal

70. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

71. 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.
72. 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

Victoria Parkinson
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