

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 January 2024

Public Authority: Money and Pension Service
Address: 120 Holborn
London
EC1N 2TD

Decision (including any steps ordered)

1. The complainant has requested information regarding performance figures concerning performance targets set by the Money and Pension Service¹.
2. The Commissioner's decision is that the Money and Pension Service was (as it claimed) entitled to rely on section 22(1) (information intended for future publication) to withhold requested information.
3. The Commissioner does not require the Money and Pension Service to take any steps.

Request and response

4. On 8 February 2023, the complainant requested information by saying as follows.
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¹ The Money and Pensions Service is an arm's-length body sponsored by the Department for Work and Pensions, established at the beginning of 2019, and also engages with HM Treasury on policy matters relating to financial capability and debt advice

"The 2022/23 MaPS Corporate Plan (p.7) contains the following targets for debt advice:

Provide debt advice to 455,000 clients in England through mainstream funding and the Breathing Space Mental Health Access Mechanism.

Fund the successful administration of 20,000 Debt Relief Orders (DROs) in England.

Provide an additional 115,000 debt advice sessions through our Increasing Capacity project (as part of our COVID-19 response).

Commission high-quality debt advice services with 85% customer satisfaction and 85% customer outcome score.

Could you please provide me with the latest performance figures against these targets?

Could you please also provide the Corporate Plan's date of publication and the period (calendar year or financial year) that it covers?"

5. On 31 May 2023, the Money and Pension Service responded and said as follows.

"We will publish 22/23 performance for debt advice, Debt Relief Orders and performance against the Increasing Capacity project in the Money and Pensions Service 22/23 Annual Report and Accounts, which is due to be published around 3 November 2023. Due to the commercial sensitivity of this data not yet being released, we are unable to provide you with the figures at this time.

- Therefore, we are unable to provide you with answers to the following parts of your request:
- Provide debt advice to 455,000 clients in England through mainstream funding and the Breathing Space Mental Health Access Mechanism.
- Fund the successful administration of 20,000 Debt Relief Orders (DROs) in England.

Provide an additional 115,000 debt advice sessions through our Increasing Capacity project (as part of our COVID-19 response).

2) Commission high-quality debt advice services with 85% customer satisfaction and 85% customer outcome score.

During the 22/23 financial year, we undertook a pilot tracking satisfaction and outcomes of debt advice. Performance in 22/23 was as follows: - Satisfaction – 87% - Outcome – 77%

3) Could you please also provide the Corporate Plan's date of publication and the period (calendar year or financial year) that it covers?

The 23/24 Corporate Plan (covering the financial year) is subject to ministerial approval and timetabling therefore we are unable to confirm a date of publication".

6. On 31 May 2023, the complainant requested an internal review, saying "I do not believe the refusal to disclose the information on grounds of commercial sensitivity to be justified. We have asked only for total figures, not broken down by individual provider".
7. Money and Pension Service sent him the outcome of its internal review on 16 June 2023. It stated (for the first time) that it was withholding requested information by reference to section 22, as it was intended for future publication. However it made no mention of withholding information on the grounds of the "commercial sensitivity of this data" as previously stated.

Scope of the case

8. The complainant contacted the Commissioner on 20 June 2023 to complain about the way his request for information had been handled. In particular he challenged its reliance on section 22 to withhold the requested information.
9. The Commissioner considers that the scope of his investigation is to determine whether the Money and Pension Service correctly relied on section 22 to withhold requested information.
10. The Money and Pensions Service has informed the Commissioner that a small portion of the withheld information ultimately was not published due to an audit correction.
11. The Commissioner notes that the Money and Pensions Service 22/23 Annual Report and Accounts² was published on 23 November 2023.
12. It appears from that document that the withheld information (save for the information described in paragraph 10 above) is contained therein and is therefore now in the public domain.

² [Money and Pensions Service annual report and accounts 2022 to 2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118222/money-and-pensions-service-annual-report-and-accounts-2022-to-2023.pdf)

Reasons for decision

Section 22(1) – information intended for future publication.

13. Section 22(1) of FOIA says that information is exempt information if:

(a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),

(b) the information was already held with a view to such publication at the time when the request for information was made, and

(c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).

14. Section 22 is a qualified exemption which means it is subject to the public interest test. For the exemption in section 22 to apply, the public authority must have a settled expectation that the information will be published at some future date – even if no precise date is set.

PA Submissions

15. The information requested is currently in draft/raw data form and will need to be reviewed, sense checked and collated into a report which will be published in accordance with its established procedures. This information forms part of a suite of documents which will be presented to its Audit, Risk and Assurance committee by its auditors the National Audit Office, when it presents its audit findings reports and that in accordance with internal processes the information will be published as it will be included in that report. However since the audit report process has to be completed before then it did not know the precise date of publication. It believed the information could be reasonably withheld prior to its publication in line with its usual practises as regards its audit process.

Complainant's submission

16. The public authority is refusing to provide the information requested on the basis that it intends to publish the information at a later date. It asserts that the information it holds is only available in raw and unaudited form and that publication can only take place after a full audit of all its data. He disputes this as the organisation must be tracking its performance against these targets and reporting to its board on a regular basis as to the position.

17. The audit it refers to relates to a full suite of data and the preparation of an annual report for presentation to parliament which is usually

presented in October/November of the year afterwards. However he has only asked for data relating to the performance of debt advice services.

Commissioner's Reasonings

18. The Commissioner is unaware of factors to doubt the veracity of the public authority's assertions and therefore is satisfied that the public authority had a settled intention to publish the withheld information at the time of the request and the internal review. Whilst, as it transpired, a small portion of the withheld information was not ultimately published this does not diminish the Commissioner acceptance that at the time of the request and the internal review the Money and Pension Service had intended it to be published.
19. The fact that the Money and Pensions Service 22/23 Annual Report and Accounts was published in November 2023³ gives further credence to the public authority's assertions.
20. The Commissioner acknowledges the complainant's submissions but he is satisfied that the withheld information was intended to be published at a future date. The exemption is therefore engaged, and the Commissioner must consider the public interest test required by section 2 of FOIA.

Public interest test

Public authority's submissions

21. It acknowledges that disclosure would help to demonstrate its commitment to the principle of accountability and transparency as well as empowering individuals to analyse and question the financial decision-making activities of the public service it provides.
22. Against disclosure it identified several factors. Primarily, that partial disclosure of selective correspondence/ data, without full context in advance of formal disclosure to the Audit Risk and Assurance committee is open to misinterpretation.
23. The requested information does not represent the external auditors full and final views on the matters raised and the audit findings report remained unfinished. Releasing the requested correspondence in isolation will do nothing to assist public understanding and could result in questions being raised that would be addressed by the content of the complete audit findings report.

³ Paragraph 10 supra

24. It considers that the public interest is best served by maintaining its current practise of publishing the audit findings report after the report is complete and has been presented to the Audit, Risk and Assurance Committee by the external auditors.
25. There is no pressing public interest in disclosing the withheld information early and before it has been fully audited. The public interest in transparency and compliance with the legislation is achieved by the publication of the audit findings report on its website. There is a stronger public interest in the information being released in its complete form so as to aid the public's understanding to avoid unnecessary questions being raised and to avoid unhelpful speculation and confusion.
26. It would be burdensome to take officers away from their normal day to day roles to provide this information in a raw and unaudited form when it is due for eventual publication in any event.

Complainant's submissions

27. He believes it is in the public interest that the organisation reports more regularly on the performance of its services especially given the strains on those services and in the light of the public authority's recent funding and commissioning decisions and the cost of living crisis.

Commissioner's Reasonings

28. The Commissioner remains cognisant of the universal public interest factors that favour disclosing information held by government and public authorities. Namely the benefits of openness , transparency and aiding the scrutiny of government and public authorities.
29. However, balanced against this is the public interest in allowing the public authority to ready the publication of the withheld information as it intends to do. This being an aid to ensure the clarity and accuracy of the information to be published.
30. The Commissioner further considers that responding to individual requests for the information and attending to the consequences of premature disclosure would also unreasonably impact on the public authority's resources in that it would cause disproportionate diversion.
31. Having considered all the arguments for and against disclosure, the Commissioner is satisfied that there are stronger public interest arguments in favour of maintaining the exemption than those which favour releasing the withheld information. Accordingly the Commissioner is satisfied that, at the time of the request and internal review, the public authority was entitled to rely on section 22 to withhold the requested information from the complainant.

Right of appeal

32. 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

33. 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.

34. 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

Gerrard Tracey
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