

John Pring <john@disabilitynewsservice.com

19/02/2015

FOI REF NO 5011

Dear Mr Pring,

Thank you for your Freedom of Information request received on 26/11/2014. You asked:-

Further to DWP's use of internal reviews into benefit-related deaths, I would be grateful if you could send me just the summaries/conclusions/recommendations of those 60 reviews since 2012, minus any information that would identify each claimant.

Please also tell me whether each of these recommendations were implemented.

DWP response

We wrote to you on 12 December, 14 January and 11 February explaining that we needed more time to assess the public interest because the information you seek engages an exemption which requires the public interest to be considered.

I confirm that the Department may hold the information you have requested but it is being withheld as it falls under the exemption in Section 44 of the Act and/or Section 36 (2) (b) and (c) of the Freedom of Information Act.

As you are already aware, only 49 Peer Reviews had been carried out in circumstances where a claimant had died at the time we responded to your previous request. The Department regrets the error in its previous response on this point.

The exemption at section 44 of the FoI Act

Section 123 of the Social Security Administration Act (SSSA) 1992 makes it an offence for anyone who is employed in social security administration to disclose without lawful authority any information which he acquired in the course of that employment and which relates to a particular person. All the personal information contained in a Peer Review report is captured by this provision.

Disclosing the content of these reviews, even in anonymised and summarised form, may still allow individuals to be identified.

This triggers the FoI exemption at section 44 of the FoI Act which recognises existing statutory bars to disclosure contained in other statutes. Section 44 is an absolute exemption which means that there is no requirement to consider the public interest test in such cases.

The exemptions at section 36(2)(b) and (c) of the FoI Act

This exemption covers information which if released would, or would be likely to, prejudice the free and frank provision of advice or which would otherwise, or would be likely otherwise, to prejudice the effective conduct of public affairs.

This is because disclosing the recommendations contained in these reviews, even in anonymised format, would be likely to inhibit the candour of their authors and so undermine their purpose.

This exemption requires the public interest for and against disclosure to be balanced. In this instance we concluded that the public interest weighed in favour of withholding the requested information because of the risks and harm identified 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@dwp.gsi.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