

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 29 April 2014

Public Authority: Department for Work and Pensions

Address: Caxton House
Tothill Street
London
SW1H 9NA

Decision (including any steps ordered)

1. The complainant requested from the Department for Work and Pensions ("DWP") the names of the organisations that provided placements on the Day One Support for Young People Trailblazer ("DOSfYP") scheme. The DWP withheld the information under 36(2)(c) (prejudice to the effect conduct of public affairs) and 43(2) (prejudice to commercial interests) of FOIA. It subsequently also applied section 29(1)(a) and (b) (prejudice to the economic and financial interests of the United Kingdom) to the withheld information.
2. The Commissioner's decision is that the DWP has incorrectly withheld the requested information under sections 29(1)(a) and (b), 36(2)(c) and 43(2).
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - To disclose to the complainant the information that it withheld under sections 29(1)(a) and (b), 36(2)(c) and 43(2).
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 5 September 2013, the complainant wrote to the DWP and requested information in the following terms:

"Please can you list the organisations that have provided placements on the Day One Support for young People Trailblazer through Maximus Employment and Training Ltd and Careers Development Group since the contract began?"

6. The DWP responded on 19 September 2013. It withheld the requested information under sections 36(2)(c) and 43(2) of FOIA.
7. The complainant requested an internal review on 19 September 2013. The DWP wrote to the complainant on 12 November 2013 with the outcome of its internal review. It upheld its original decision.

Scope of the case

8. The complainant contacted the Commissioner on 12 November 2013 to complain about the way his request for information had been handled. Specifically that the DWP had not disclosed the information that he had requested.
9. During the course of the Commissioner's investigation, the DWP informed him that, in addition to the exemptions in sections 36(2)(c) and 43(2), it also wished to rely on the exemptions in section 29(1)(a) and (b).
10. The Commissioner considered whether the DWP had correctly applied sections 29(1)(a) and (b), 36(2)(c) and 43(2) to the withheld information.

Background information

11. The DWP explained that the DOSfYP was announced on 28 August 2012. It was jointly developed with the Greater London Authority. The objective of the scheme was to test providing intensive support for young people with a limited work history at the beginning of their benefit claim.
12. The DWP went on to explain that 18-24 year old income-based Jobseeker's Allowance claimants who claimed within the period that the scheme ran, where the young person had less than six months work history since leaving full time education, were immediately referred to

the contracted providers. Claimants participating in DOSfYP continued to receive their Jobseeker's Allowance.

13. The Commissioner was informed by the DWP that within one working day of meeting the provider, claimants started a work placement which was of benefit to the community. The work placement was for (usually) 30 hours a week for 13 weeks and was complemented by provider-led supported job search for (usually) 10 hours a week. The DWP confirmed that the scheme was mandatory, rather than voluntary, in nature.
14. The DWP stated that the scheme ran in North and South London Jobcentre Plus Districts for 11 months with an 8 month referral period. Around 4,000 young people had received support under the scheme. It commenced on 26 November 2012 with the last referral taking place on 26 July 2013 and the last participants completing their placements on 25 November 2013. The DWP confirmed that the scheme was now complete and that it were analysing its impact and effect.

Reasons for decision

Section 29(1)(a) and (b) – Prejudice to the economic and financial interests of the United Kingdom

15. Section 29(1)(a) is engaged if disclosure would, or would be likely to, prejudice the economic interests of the United Kingdom or of any part of the United Kingdom, as defined by section 28(2). The DWP argued that the harm to the UK Government, as described below, fitted this exemption.
16. Section 29(1)(b) is engaged if disclosure would, or would be likely to, prejudice the financial interests of any administration in the United Kingdom, as defined by section 28(2). The DWP argued that harm to the DWP and/or Her Majesty's Treasury, as described below, fitted this exemption.
17. The DWP considered that releasing the information requested would be likely to result in the prejudice required for section 29(1)(a) and (b) in a number of different ways, but in particular the following:
 - (i) If this information was used to create a list of placement hosts and they subsequently withdrew their support for current or future schemes, then contract providers and their sub-contractors could lose some or all the money they had invested in sourcing those hosts and require them to invest still more in finding replacements.
 - (ii) If a host or hosts withdraw, the campaign would be likely to spread and gain momentum, leading to further withdrawals. This

would affect multiple providers and their subcontractors in multiple locations across various schemes that rely on these placements.

(iii) If placement hosts withdrew, the DWP would have to spend more on benefits to jobseekers and have less to spend on 'commercial' activities, e.g. contracts with providers to assist jobseekers back to work.

(iv) In the face of a hostile campaign, placement hosts who do not currently seek payments from providers may begin to seek payments from providers to offer placements or those that already seek payments may seek payments of a higher value.

(v) These increased costs to providers would be likely to lead to the DWP having to pay higher costs for contracting the same service.

(vi) Having to pay more in benefits to jobseekers and pay more to support them into work (including paying more to providers for assisting claimants into work), would, in the DWP's view, lessen the extent to which the government is able to exercise proper control over the economy in order to maintain sound public finances and would slow the progress of fiscal consolidation which risks damaging the wider economy.

18. The DWP confirmed that it considered that the prejudice in relation to the section would be likely to occur. With regard to likely to prejudice, the Tribunal in *John Connor Press Associates Limited v The Information Commissioner* (EA/2005/0005) confirmed 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). Consequently, the Commissioner has interpreted 'would be likely' to mean that there must be more than a hypothetical or remote possibility of prejudice occurring, there must be a real and significant risk of prejudice, even though the probability of prejudice occurring is less than 50%.
19. The DWP explained to the Commissioner that whilst the DOSfYP scheme had ended, it had, and would have, a number of schemes, policies, pilots or trailblazers that rely on placement hosts providing community benefit placements. It believed that it was likely that some of the hosts on the DOSfYP scheme would be hosts on other programmes, and so their withdrawal from those schemes could cause actual damage. It argued that this meant that releasing or confirming the identity of hosts, even if their participation in a particular scheme, pilot, trailblazer has

ended, would lead to a campaign against providers of community benefit placements in general and endanger those schemes and organisations that have provided placements across any scheme, pilot or trailblazer.

20. The Commissioner notes that the last referral to the DOSfYP scheme took place on 26 July 2013. Consequently, at the time that the complainant made his request on 5 September 2013 no further placement hosts were required for the scheme. The only impact of the disclosure of the withheld information in relation to the DOSfYP scheme could have been in terms of existing placement hosts withdrawing from the scheme. However, the Commissioner is not satisfied that the DWP have provided sufficient evidence that this would have been likely to occur.
21. In addition, disclosure of the withheld information could possibly have had an impact on recruiting and retaining placement hosts for other existing or future work placement schemes. However, the Commissioner is again not satisfied that the DWP has provided sufficient evidence to demonstrate that if the requested information were to have been disclosed it would be likely to lead to campaign groups using it to pressure existing placement hosts to withdraw from other schemes or dissuade potential placement hosts from offering placements on future schemes.
22. The Commissioner also notes that campaign groups appear to be unofficially aware of many of the organisations involved in work placement schemes and are targeting organisations they believe to be involved without official confirmation.
23. In light of the above, the Commissioner does not consider that the DWP has provided a sufficient link between the consequences of disclosure and the prejudice claimed. As a consequence he is not satisfied that the prejudicial effects described at section 29(1)(a) and (b) would be likely to occur if the DWP were to release the requested information and he has therefore determined that section 29(1)(a) and (b) are not engaged in this case.

Section 36(2)(c) – Prejudice to the effective conduct of public affairs

24. The DWP also applied section 36(2)(c) to the withheld information.
25. Section 36 of the FOIA states that information is exempt if:

"... in the reasonable opinion of a qualified person, disclosure of the information under this Act—

(b) would, or would be likely to, inhibit -

- (i) *the free and frank provision of advice, or*
- (ii) *the free and frank exchange of views for the purposes of deliberation or*
- (c) *would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs."*

26. In order to determine whether section 36(2)(c) has been correctly applied the Commissioner has:

- (i) ascertained who the qualified person was for the public authority;
- (ii) established that an opinion was given;
- (iii) ascertained when the opinion was given; and
- (iv) considered whether the opinion given was reasonable.

The engagement of section 36(2)(c)

27. The DWP confirmed it initially relied on an opinion dated 15 July 2013 given by the Minister for Employment as authority to apply section 36(2)(c) in this instance. The opinion had been given in relation to earlier requests which were similar in nature to the current one. In the Department's view the facts and relevant factors in the earlier cases were still pertinent to this case and therefore a blanket section 36 ruling in these circumstances was appropriate.
28. The DWP informed the Commissioner that a further submission was put to the then new Minister for Employment on 6 December 2013, updating her on the earlier cases and, for the avoidance of doubt, seeking the Minister's agreement to apply section 36 to the information sought by the complainant. The Minister responded on 12 December 2013. The Minister confirmed that in her opinion section 36(2)(c) was applicable. The DWP has provided the Commissioner with copies of the opinions of the qualified person.
29. Section 36(5)(a) states that in relation to information held by a government department in the charge of a Minister of the Crown, the qualified person is any Minister of the Crown. The Commissioner is therefore satisfied that the Minister was an appropriate qualified person for these purposes.
30. In support of its application of section 36, the DfE has also provided the Commissioner with a copy of the submissions to the qualified person, which identifies the information to which it is suggested that section

36(2)(c) should be applied. It appears that the qualified person accepted that disclosure of the withheld information would be likely to have the effects set out in section 36(2)(c) for the reasons contained in the submissions.

31. In the submissions it was contended that a minority of people appeared to be seeking to undermine the goodwill of employers, who were prepared to offer opportunities to unemployed people, by attempting to damage the reputation and standing of those employers. The submission pointed to the use by certain websites of earlier outdated lists of organisations involved in programmes for the unemployed as evidence of this and the consequent need to protect the information in this instance.
32. It was argued in the submission that that the release of an updated list of organisations involved in an employment programme ran the risk of campaign groups targeting afresh those placement organisations, including new ones, to cause them to withdraw from the scheme. It went on to state that the relevant websites made it clear that these actions aimed to create a climate which also discouraged other organisations from joining the schemes with the intention of disrupting the delivery of the Government's employment programme.
33. The submissions contended that this risk, if realised, would be prejudicial to a policy which was designed to move more jobseekers into sustainable work. Thwarting the delivery of the policy in this way would be likely to undermine the benefits to the wider economy of moving more jobseekers off benefit into employment. In addition, such disruption was detrimental to the job prospects of individual jobseekers who would not benefit from the disciplines and work experience that the employment programmes/schemes offered.
34. The Commissioner notes that he has already considered the DWP's contention that the disclosure of the requested information would be likely to lead to placement providers withdrawing from work placement schemes programme when assessing whether section 29 was engaged, albeit in relation to potential prejudice to the UK economy and the financial interests of an administration in the UK, and has not found the argument persuasive. However, the Commissioner recognises that the qualified person's opinion is not rendered unreasonable simply because others may come to a different (and equally reasonable) conclusion. In his view the opinion would only be unreasonable if it was one that no reasonable person in the qualified person's position could hold.
35. In light of the arguments contained in the relevant submissions, the Commissioner accepts that it was reasonable for the qualified person to conclude that section 36(2)(c) applied to the withheld information. As

section 36 is a qualified exemption, he went on to consider whether the public interest in maintaining the exemption outweighs the public interest in disclosure of the information.

Public interest test

36. The Commissioner notes that the qualified person's opinion was that disclosure of the withheld information "would be likely" to have the effects set out in section 36(2)(c), as opposed to that it "would" have those effects. In his view this means that there is a real and significant chance of the prejudice occurring, even though the probability may be less than fifty per cent. The Commissioner has taken this into account in assessing the public interest arguments in favour of maintaining the exemption.
37. In *Guardian Newspapers & Brooke v Information Commissioner & BBC* (EA/2006/0011 & EA/2006/0013), the Tribunal noted the distinction between consideration of the public interest under section 36 and under the other qualified exemptions contained within the Act:

'The application of the public interest test to the s 36(2) exemption involves a particular conundrum. Since under s 36(2) the existence of the exemption depends upon the reasonable opinion of the qualified person, it is not for the Commissioner or the Tribunal to form an independent view on the likelihood of inhibition under s 36(2)(b), or indeed of prejudice under s 36(2)(a) or (c). But when it comes to weighing the balance of public interest under s 2(2)(b), it is impossible to make the required judgement without forming a view on the likelihood of inhibition or prejudice.'

38. The Tribunal indicated that the reasonable opinion is limited to the degree of likelihood that inhibition or prejudice may occur and so

"...does not necessarily imply any particular view as to the severity or extent of such inhibition (or prejudice) or the frequency with which it will or may occur, save that it will not be so trivial, minor or occasional as to be insignificant."

39. Therefore, in the Commissioner's opinion, this means that while due weight should be given to the reasonable opinion of the qualified person when assessing the public interest, the Commissioner can and should consider the severity, extent and frequency of the likely prejudice to the effective conduct of public affairs.

Public interest arguments in favour of disclosing the requested information

40. The Commissioner recognises that there is considerable debate about whether mandatory work programmes improve the employment prospects of young jobseekers. In addition, the operation of work placement schemes, such as the DOSfYP scheme, can have a significant affect upon a large number of unemployed individuals relying upon Government support. The Commissioner therefore considers that there is a significant public interest in greater transparency about these schemes.
41. The Commissioner also recognises that schemes such as DOSfYP involve the spending of considerable amounts of public money. Disclosure of the requested information would help to allow greater accountability for the spending of that money.
42. Disclosure of the requested information would also promote transparency in relation to the placement decisions of contract providers. It would help to encourage integrity and quality in the arrangements of such placements which are matters of legitimate public interest. In addition, as the placements on the scheme were supposed to be of benefit to the local community, disclosure would illustrate the sorts of placements that were arranged and help the public to assess the community benefits that might have accrued from those placements.
43. The Commissioner recognises that the costs to society of unemployment are high and that there is therefore a strong public interest in the disclosure of information that helps the public to understand, from an informed perspective, how the government's policies to tackle this issue are being delivered.

Public interest arguments in favour of maintaining the exemption

44. The DWP acknowledged that there is a public interest in the organisations involved in providing work placements in particular locations being made public and that similar information has been released in response to a number of previous FOI requests. It explained that in an earlier case it had originally released information before the severity of the anti-workfare campaign had become apparent and it became aware of various internet campaigns aimed at encouraging people to boycott companies and organisations linked to Government employment programmes.
45. The Commissioner was informed by the DWP that it had looked at a number of factors in relation to the public interest in withholding the requested information, in particular the following:
 - (i) If this information is disclosed, and placement hosts withdraw then claimants will have fewer opportunities to access the

support that will get them closer to the labour market. It is clearly in the public interest to reduce unemployment given the associated costs to the Exchequer.

(ii) If this information is disclosed, it is clear that a number of people would seek to undermine the goodwill of organisations who offer opportunities to unemployed people by attempting to damage the reputation and standing of those organisations.

46. The DWP contended that there is evidence on a number of websites of threats to compromise the delivery of this and other Government employment programmes. The tactics, which include protestors taking part in demonstrations both inside and outside retail outlets and fast food restaurants, threats of boycotts and numerous internet campaigns, both on social networking sites and sites set up specifically to incite such behaviour, for example 'Boycott Workfare', have caused some placement hosts to withdraw their active support for the Government's employment programmes. This has caused commercial detriment to the relevant providers under contract to the DWP and compromises the Department's ability to secure best value for money for the taxpayer when these contracts are re-tendered.
47. The DWP went on to explain that the impact of these websites and related activities has been such that DWP now considers that the release, into the public domain, of new lists of organisations that host placements would damage the commercial interests of the companies that have agreed to undertake a supporting role in providing appropriate work placements and make them subject to possible further targeting.
48. It argued that release would also be likely to damage the commercial interests of the DWP providers who use these organisations to place jobseekers. This in turn would be likely to damage the DWP's ability to secure best value from similar employment programme contracts on renewal or re-tendering in the future.
49. The DWP was of the view that, a campaign that has already resulted in the withdrawal of large numbers of placement providers could place employment programmes that rely on work placements in jeopardy, with resulting costs arising from the failure of contracts and higher future welfare costs. It would also be unlikely to secure new contracts with new employment programme providers at best value resulting in the risk of additional costs to the taxpayer. In addition, it would be likely to suffer significant reputational damage and costs in managing an ongoing co-ordinated and vexatious campaign against various schemes. None of this is in the public interest.

50. The Commissioner was informed by the DWP that such targeting could have an impact on available places for the programmes, and, if the organisations bow to the pressures of these groups, it could ultimately lead to a mass withdrawal of this support which would have a detrimental effect on the delivery of these programmes for jobseekers and would inhibit or limit the ability of the Department to obtain the best services to help people make the transition into work.
51. The DWP argued that it is plainly in the public interest for it to be able to continue to run schemes that are designed to assist people gain work and to be able to do this without facing increased costs brought about as a direct consequence of a campaign armed with the information it is withholding. It believed that release of the information would significantly affect all of the schemes that consist of claimants participating in placements and threatens their existence.
52. The DWP explained that it holds a slightly different view in relation to the Work Programme ("WP") as this is a wider scheme, where providers are contracted to offer employment support instead of Jobcentre Plus, and providers are financially rewarded for supporting claimants into work and keeping them in it. In the WP, placements are an option for providers when deciding how best to support claimants into work. The DWP believed that the release of the information could impact on WP providers' ability to deliver a quality service that is appropriate to the individual's needs, and could lower the number of people able to be supported into sustained employment. By way of context, the DWP confirmed that hundreds of thousands of claimants are participating in the WP at any one time.
53. The DWP informed the Commissioner that, historically, many of the anti-workfare campaigners have opposed hosts' involvement in various schemes because they have stated that the schemes are tantamount to slavery, especially ones where claimants must attend under threat of benefit sanction. The Supreme Court handed down their judgment in *R (on the application of Reilly and another) v Secretary of State for Work and Pensions* on 30 October 2013. It said that requiring benefit claimants to undertake work as a condition of receiving benefits comes "nowhere close to" breaching the European Convention on Human Rights Article 4 (forced or compulsory labour). It upheld the Court of Appeal's decision relating to that ground where the Court of Appeal stated: "*There is an important public interest in getting people back to work as well as a major saving in not having to pay Jobseeker's Allowance, and possibly other benefits.*" The DWP argued that this supported its view that it is in the public interest to protect organisations that are assisting it in helping people find and keep work in this way.

54. On balance, the DWP stated that it was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosure.

Balance of the public interest

55. As the Commissioner has previously noted, there is considerable public debate about, and interest in, work placement schemes and, consequently, a strong public interest in the disclosure of information relating to this issue to promote transparency, accountability and enhance public understanding of the schemes. In this instance the Commissioner considers that disclosing the withheld information would help to inform the public's understanding of how the work placement policy is being delivered. Given that there is concern about the effectiveness of this policy as one of the measures being used to tackle unemployment, that the policy impacts on a considerable number of people and involves significant sums of public money, the Commissioner has attributed substantial weight to the arguments in favour of disclosure.
56. The Commissioner has taken note of the public interest arguments presented by the DWP in relation to the effect that disclosing the names of organisations involved in the DOSfYP scheme might have. However, in weighing these arguments he has taken into account his conclusions contained in a previous decision notice that he issued under case reference number FS50438502 which related to a request for the names of organisations involved in another work placement scheme. In that notice he stated that:

"The extent to which campaigns organised by a few fringe groups have discouraged employers from participating in the government's mandatory work programme is arguable. There is little evidence that the campaign websites are viewed by a significant number of people and indeed most members of the public are likely to be unaware of the particular charges that have been levelled by these sites. On the basis of the evidence supplied he does not consider that the harm would occur frequently, that it would be extensive or severe. In view of this, whilst he acknowledges the importance of the effective delivery of the MWA policy, particularly in the context of high unemployment, he has attributed limited weight to the arguments in favour of maintaining the exemption." (para 48)

57. The Commissioner does not consider that the DWP has provided any further evidence that would cause him to alter this view in terms of its applicability to the disclosure of the names of organisations involved in the DOSfYP scheme. As a consequence, having weighed the competing

public interest arguments, the Commissioner has concluded that in all the circumstances of the case the public interest in maintaining the exemption does not outweigh the public interest in disclosure.

Section 43(2) – Prejudice to commercial interests

58. Section 43(2) of the FOIA states that:

"Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it)."

59. The Commissioner was informed by the DWP that it considers that releasing the identity of the organisations that hosted placements in the DOSfYP scheme would be likely to prejudice those organisation's commercial interests, as well as contract providers under various schemes involving the sourcing of work placements and those of the DWP.
60. It explained that, in the face of a hostile campaign, placement hosts under any scheme where claimants are hosted by organisations, would be likely to have their commercial interests prejudiced, and so would any contracted providers that are paid by the DWP to source those placements. The DWP's commercial interests would be harmed if host organisations became more reluctant to participate in such back-to-work schemes in the face of a hostile campaign. This would increase the likelihood of providers having to pay hosts for placements or pay more to hosts they already have had to pay for placements. This would lead to increased costs for the DWP as providers would seek higher unit costs for procuring the same service.
61. In relation to the issue of prejudice to commercial interests, the DWP explained that it considers that releasing the identity of the organisations that hosted placements in the DOSfYP scheme would be likely to result in such prejudice in a number of different ways, but including in particular the following:
- (i) If this information was used to create a list of placement hosts and they subsequently withdrew their support for current or future schemes, then contract providers and their sub-contractors could lose some or all the money they had invested in sourcing those hosts and require them to invest still more in finding replacements.
 - (ii) If a host or hosts withdraw the campaign would be likely to spread and gain momentum, leading to further withdrawals. This would affect multiple providers and their subcontractors in

multiple locations across various schemes that rely on these placements.

(iii) If placement hosts withdrew, the DWP would have to spend more on benefits to jobseekers and have less to spend on 'commercial' activities, e.g. contracts with providers to assist jobseekers back to work.

(iv) In the face of a hostile campaign, placements hosts who do not currently seek payments from providers may begin to seek payments from those providers to offer placements or those that already seek payments may seek payments of a higher value.

(v) These increased costs to providers would be likely to lead to DWP having to pay higher costs for contracting the same service.

62. The DWP considered that releasing the identity of the organisations that hosted placements in the DOSfYP scheme would be likely to harm those organisations' commercial interests, as well as contract providers under various schemes involving the sourcing of work placements, and those of the DWP. It argued that if hosts are targeted with a hostile campaign, it may make those who support them, both financially and in other ways, less inclined to continue to do so which it believed was particularly relevant if they were a charity.
63. The DWP provided the Commissioner with examples of what it said had happened to hosts that had been identified. In its view, this constituted an excellent marker for what would happen if it released the identity of the organisations that hosted placements in the DOSfYP scheme. It confirmed that these were the same examples that it had provided in relation to a previous similar case.
64. The DWP believed that, given its previous experiences and the anti-workfare campaign, prejudice would be highly likely to occur. It pointed to evidence on a number of websites of threats to compromise the delivery of Government employment programmes. It argued that the tactics, which included protestors taking part in demonstrations both inside and outside retail outlets and fast food restaurants, threats of boycotts and numerous internet campaigns both on social networking sites and sites set up specifically to incite such behaviour, e.g. 'Boycott Workfare', have caused some employers to withdraw their active support for the Government's employment programmes. In its view, this has caused commercial detriment to the relevant providers under contract to the DWP and compromises the Department's ability to secure best value for money for the taxpayer when these contracts are re-tendered or varied.

65. Having reviewed the evidence provided by the DWP, the Commissioner does not consider that it is sufficient to demonstrate that the pressure being exerted by campaign groups is the reason why organisations choose to leave the work placement schemes. Furthermore campaign groups appear to be unofficially aware of many of the organisations involved in the schemes and are targeting organisations they believe to be involved without official confirmation.
66. As result of the above, the Commissioner has determined that the DWP has not demonstrated a satisfactory link between the targeted pressure of campaign groups and organisations choosing to leave the schemes as a result of this pressure. He is not therefore satisfied that the DWP has provided a sufficient link with the consequences of disclosure and the prejudice claimed and he consequently does not consider that disclosure would be likely to prejudice the commercial interests of the DWP or the contract providers.
67. In light of the fact that the Commissioner is not satisfied that the prejudicial affects described in section 43(2) would be likely to occur if the DWP were disclose the requested information, he has decided that the exemption is not engaged in this case.
68. As the Commissioner has determined that the DWP has incorrectly applied sections 29(1)(a) and (b), 36(2)(c) and 43(2) to the withheld information, he requires it to disclose this information to the complainant.

Right of appeal

69. 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

70. 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.
71. 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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