

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 21 July 2016

Public Authority: Department for Work and Pensions
Address: Caxton House
Tothill Street
London
SW1H 9NA

Decision (including any steps ordered)

1. The complainant submitted a request to the public authority for the email addresses of mail handling sites, benefit centres and contact centres. The public authority explained that no email addresses are used for its mail handling sites and therefore it did not hold information relevant to that part of the request. It further explained that there were no generic email addresses specifically for benefit and contact centres but that it held individual email addresses of staff within these centres which it considered exempt from disclosure on the basis of section 36(2)(c) FOIA.
2. The Commissioner has concluded on the balance of probabilities that the public authority does not hold email addresses for mail handling sites. He has further concluded that the public authority was entitled to withhold individual email addresses of staff within the benefit and contact centres in reliance on the exemption at section 36(2)(c).
3. No steps are required.

Request and response

4. The complainant submitted the following request to the public authority on 3 November 2015:

'.....If you may kindly furnish email addresses for

1-Mail handling sites at Wolverhampton, etc

2-Job Seeker Allowance (Benefit centers/contact centers)'

5. The public authority provided its response to the request on 23 December 2015. It explained that it considered the information requested exempt from disclosure on the basis of section 36(2)(c) FOIA.
6. The complainant wrote back to the public authority on 18 January 2016 in which he requested an internal review of the decision not to disclose the information requested. He argued that the information requested ought to have been disclosed and explained his basis for disagreeing with the public authority's decision in the following terms:

'I am not seeking to dis/prove how effective / wasteful are your (postal/telephone) customer channels, nor I have asked for disclosure of internal email addresses (even though in law I was fully entitle to), I have simply asked for benefit center/contact center/mail handing sites (as known to DWP) emails addresses, these would be email addresses just like yours, ending with gsi.gov.uk that is a public domain and by law immune from any privative measure to be internalized.

The grounds you have set out for engaging sect36, are falling short of identify the applicable interests within the relevant exemption , identify the nature of the prejudice; any substantive evidence that the prejudice claimed is real, actual or of substance; and it shows no causal link between the disclosure and the prejudice claimed.

I am not even clear if you are suggesting that you "could see" a prejudice "would" or "would be likely" to occur; rather to me scenarios and qualities you seems seeking to preserve as obsolete and incoherent with good public administration and inconsistent with imperatives of this digital age. The most bizarre aspect of argument presented was that such information may constitute incorrect information in the mind of a reasonable person , e.g to constitute misconception or an "error" , well on that contention I could say they cant be any less fool proof than the rest of email addresses ending with the same domain name.

I hope you appropriate the integrity of this governmental department and its pending legal duty to disclose the information requested promptly, as you have duly realized that there is public interest/need in making email addresses available.'

7. On 16 February 2016 the public authority wrote to the complainant with details of the outcome of the review. It explained that the email addresses within benefit centres and contact centres are all internal email addresses assigned to members of staff and that specific centres do not have any generic email addresses for use by customers. It provided the complainant with a generic email address for use by

customers (contact-us@dwp.gsi.gov.uk) for all benefit and contact centres. It further explained that there was no facility for members of the public to contact mail handling sites. It was not clear from the review whether the public authority had upheld the application of the exemption at section 36(2)(c), however, that subsequently became clear during the course of the Commissioner's investigation.

Scope of the case

8. The complainant contacted the Commissioner on 9 March 2016 to complain about the way his request for information had been handled. He argued that the information requested ought to have been disclosed by the public authority and explained his basis for disagreeing with the public authority's decision in the following terms:

'I asked DWP for certain information, DWP admits holding the information but, effectively DWP argues that it is not good for me to be in know and as such despite absence of any cogent reason to that effect, they feel its legitimate to withhold that information, contrary to their legal obligations and public interests at stake.'

9. During the course of the Commissioner's investigation, the public authority wrote to the complainant on 14 June 2016 to clarify that it did not hold email addresses for mail handling sites because there were no email addresses assigned to these sites, which it also referred to as mail opening units. It also clarified to the Commissioner that it was maintaining its reliance on the exemption at section 36(2)(c).
10. The scope of the Commissioner's investigation therefore was to determine whether the public authority held email addresses for mail handling sites and whether it was entitled to withhold the email addresses held in respect of the benefit and contact centres in reliance on the exemption at section 36(2)(c).

Reasons for decision

Section 1(1)(a) FOIA – information held/ not held

11. When a public authority claims that it does not hold information requested by an applicant under the FOIA, the Commissioner will always decide *on the balance of probabilities* whether or not that is the case. He will reach a decision based on the adequacy of the public authority's search for the information and any other reasons explaining why the information is not held.

12. In this case the public authority has been categorical that email addresses are not assigned to mail handling sites and the Commissioner has not found any reason to question its explanation. He is therefore satisfied that on the balance of probabilities the public authority does not hold email addresses for mail handling sites. The public authority has clarified that it has used the terms 'mail handling sites' and 'mail opening units' interchangeably and that there is no material difference between the two.

Section 36(2)(c)

13. As mentioned, the public authority has withheld individual email addresses of staff within the benefit and contact centres in reliance on this exemption. These are the only email addresses that the public authority holds within the scope of this part of the request.

14. Section 36(2)(c) states:

'Information to which this section applies is exempt information if, in the reasonable opinion of a qualified person, disclosure of the information under this Act would otherwise prejudice, or would be likely to otherwise prejudice, the effective conduct of public affairs.'

15. Section 36(5) FOIA describes who may act as a 'qualified person' for the purposes of applying the exemption at section 36(2)(c). The opinion to engage the exemption was issued by the Minister for Employment. The Commissioner is satisfied that the Minister for Employment was the appropriate qualified person by virtue of section 36(5)(a).¹

16. In determining whether this exemption is engaged, the Commissioner must determine whether the qualified person's opinion was a reasonable one. In doing so the Commissioner has considered all of the relevant factors including:

- Whether the prejudice relates to the specific subsection of section 36(2) that is being claimed. If the prejudice or inhibition envisaged is not related to the specific subsection, the opinion is unlikely to be reasonable.
- The nature of the information.
- The qualified person's knowledge of, or involvement in, the issue.

¹ A qualified person in relation to information held by a government department in the charge of a Minister of the Crown, means any Minister of the Crown.

17. Further, in determining whether the opinion is a reasonable one, the Commissioner takes the approach that if the opinion is in accordance with reason and not irrational or absurd – in short, if it is an opinion that a reasonable person could hold – then it is reasonable. This is not the same as saying that it is the only reasonable opinion that could be held on the subject. The qualified person's opinion is not rendered unreasonable simply because other people may have come to a different (and equally reasonable) conclusion. It is only unreasonable if it is an opinion that no reasonable person in the qualified person's position could hold. The qualified person's opinion does not have to be the most reasonable opinion that could be held; it only has to be a reasonable opinion.
18. The qualified person has concluded that there is a real and significant risk that disclosure of thousands of the email addresses for staff at all benefit and contact centres would result in members of the public using them inappropriately and indiscriminately such as to cause disruption to the delivery of services by these centres and consequently a significant deterioration in the level of customer service. The qualified person has also concluded that the email addresses would be a valuable resource for hackers who want to disrupt the delivery of services.
19. The public authority has explained that the email addresses are solely for internal use. It has further explained that it runs a geographically dispersed service. This means that work is moved dynamically around the country to make the best use of resource. It argued that incorrect use of the email addresses may mean a significant delayed response as staff attempt to route queries to the correct team. This could have a negative effect on the timely payment of benefits. It would also result in disruption and add extra costs to delivery as staff would be forced to spend time on non-productive administrative work in attempting to route incoming emails correctly.

Commissioner's conclusions on whether section 36(2)(c) is engaged.

20. The Commissioner finds that it was reasonable for the qualified person to conclude that releasing the email addresses for staff at benefit and contact centres would pose a real and significant threat to delivery of services in the relevant areas.
21. He considers that disclosing the email addresses could result in customers and/or their representatives contacting individual members of staff directly to discuss their claims rather than going through the centres. Customers would not be reluctant to use contact details which they consider would enable them to discuss their concerns directly with individual staff. The Commissioner however shares the public authority's view that this would not be the most effective way of dealing with

customer concerns and would actually be counter-productive. Members of the public would end up facing long delays before their concerns are addressed while staff spend more time than is necessary on administrative tasks rather than handling more pressing concerns from customers. There is also a very real risk that the email addresses could be targeted by those who wish to cause significant disruption to delivery services in the relevant areas. He is satisfied that the likely disruption and delay to the delivery of services used by thousands of people relates to the prejudice envisaged in section 36(2)(c).

22. The Commissioner is mindful of the fact that customers are not denied access to these centres. Customers are able to contact these centres using the generic email address, or by post or telephone. This structured and managed system of access is vital for the centres to be able to function effectively. Managed access also ensures that customers are properly vetted before their concerns are dealt with.
23. The Commissioner therefore finds that the public authority was entitled to conclude that disclosing the email addresses would be likely to prejudice the effective conduct of public affairs.

Public interest test

24. The exemption is however subject to the public interest test set out in section 2(2)(b) FOIA. Therefore, he has also considered whether in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the email addresses.
25. There is generally a public interest in openness and transparency. It is in the public interest for customers to be able to contact staff at the benefit and contact centres.
26. However, as already mentioned, the issue is not about denial of access. Rather, it is about managing that access so that the public authority is able to function effectively for the benefit of all. The Commissioner shares the view that there is a strong public interest in the authority being able to pay benefits on time and also deliver its other services in this area effectively. Therefore, disclosing information that would pose a real and significant risk to the public authority's ability to achieve this would clearly not be in the public interest. He does not consider that there is a countervailing public interest in disclosing the email addresses in the circumstances of this case. Members of the public are clearly able to contact staff at these centres. There is hardly a significant public interest in disclosing the email addresses in scope, and a significant public interest in withholding them in view of the real and significant risk to the effective operation of the relevant business areas.

27. The Commissioner has therefore concluded that in all the circumstances of this case, the public interest in maintaining the exemption outweighs the public interest in disclosing the email addresses of all staff in the benefit and contact centres.

Right of appeal

28. 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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

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

29. 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.
30. 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

Terna Waya
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