

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 19 April 2021

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

Decision (including any steps ordered)

1. The complainant requested information about Universal Credit payments received by landlords. The Department for Work and Pensions ("the DWP") provided some information, but withheld the remainder – relying on section 40(2) of the FOIA to do so.
2. The Commissioner's decision is that the DWP does not in fact hold the information within the scope of element [1] of the request and was therefore not obliged to provide it. In relation to element [4], the DWP was entitled to rely on section 40(2) of the FOIA in the manner that it did. However, the Commissioner also finds that the DWP failed to comply with its section 16 duty to provide reasonable advice and assistance. The DWP also failed to respond to elements [3] and [4] within 20 working days and therefore breached section 10 of the FOIA.
3. For reasons that will be explained, the Commissioner does not require further steps in respect of this particular complaint. However, she has made some general comments under "Other Matters" that the DWP would be advised to have regard to.

Request and response

4. On 3 July 2020, the complainant wrote to the DWP and requested information in the following terms:

"Universal Credit housing payments are in most cases made direct to tenants. However, tenants are required to provide evidence to the DWP confirming their landlords name and contact details (see here: <https://www.gov.uk/government/publications/universal-credit-and-rented-housing--2/universal-credit-and-rented-housing-guide-for-landlords#paying-rent>). [sic]

"Please can you help with the following (also please see the note on the public interest and information retrieval costs below):

- 1. Please, can you list the 100 landlords (excluding social landlords) whose tenants collectively received the largest amount Universal Credit housing payments in 2019/20 (financial year)?*
 - 2. What is the total amount of Universal Credit housing payments in 2019/20 (financial year)?"*
5. The DWP responded on 4 August 2020. It provided the information it held in respect of element [2]. In respect of element [1], it provided a list of 100 landlords. Where those landlords were corporate landlords (ie. the landlord was recorded as being a company whose name did not include a person's name), the DWP provided the name. For those where the landlord was recorded as being an individual or a company named after an individual, it withheld the data. The DWP stated that it was relying on section 40(2) of the FOIA to withhold this information.
6. The complainant sought an internal review on 8 September 2020 and, referencing his previous request, also expanded the scope of his request thus:

"[3] the DWP supplied me with "...a list of the 'top 100' private rented sector landlords broken down by landlord name, and ranked by the total level of housing support received by their tenants across the financial year 2019/20". I would now like you to specify the total amount of Universal Credit housing payments each private sector landlord's tenants have received in the financial year 2019/20.

"[4] I would also like to request the names of individual landlords, which were withheld in FOI2020/34138, on public interest grounds."¹

7. Following an internal review the DWP wrote to the complainant on 29 September 2020. It upheld its position in respect of section 40(2) of the FOIA. The DWP now issued a further list that expanded the original list to include the individual payments made to landlords – however it continued to withhold the names of the individual landlords, relying on section 40(2) of the FOIA to do so.

Scope of the case

8. The complainant contacted the Commissioner on 30 September 2020 to complain about the way his request for information had been handled.
9. At the outset of the investigation, the Commissioner wrote to the DWP on 5 February 2021, asking it to set out why section 40(2) was engaged in respect of element [1]. She also asked it to respond to element [3], if it had not already done so.
10. The DWP responded on 10 March 2021 noting that it considered that section 40(2) was engaged in respect of element [1] and providing its reasoning. However, it now stated that it considered that if, it were not to rely on section 40(2), the work required to provide that information would exceed the cost limit. It also noted that, because of the type of work involved in assimilating the data, it might not in fact hold the information.
11. The Commissioner responded to this submission to note that the DWP should not be relying on an exemption to "withhold" information which it did not in fact possess. She also noted that the DWP needed to decide whether it could comply with the request at all (ie. whether it could do so without exceeding the cost limit) before deciding whether it need withhold specific information. The DWP responded to this correspondence by essentially re-stating its original position: that it considered the withheld information to be exempt; that if the material was not exempt, the request could not be responded to without

¹ This original correspondence was not numbered. The Commissioner has numbered the elements to make the analysis that follows easier to understand.

exceeding the cost limit and, if the Commissioner did not accept its section 12 arguments, the information was not actually held.

12. The Commissioner responded to this further correspondence on 25 March 2021. She noted that the DWP's positions were both inconsistent and, in some cases contradictory. She informed the DWP that it needed to take one of the following stances:
 - a. Determining whether the DWP held the information would, on its own, exceed the cost limit and therefore the request could not be complied with.
 - b. The DWP could not comply with the request because, whilst it was confident it held the information, compiling it would exceed the cost limit.
 - c. The DWP could comply with the request, but did not hold all the requested information.
 - d. The DWP could comply with the request, held the information but wished to withhold it.
13. The DWP responded on 7 April 2021 and, in broad terms, adopted stance "c".
14. Having considered the matter further, the Commissioner now considers that the part of the complainant's correspondence of 8 September 2020 which she has denoted as element [4] was not a request for an internal review of how element [1] had been responded to – rather, for reasons that will become clearer, it is in fact a separate request for information that is different to that sought under element [1].
15. As the DWP has treated element [4] as a continuation of element [1] (even though they are different), rather than delay this complaint further, the Commissioner has considered the DWP's section 40(2) submissions in respect of element [1] as though they had been made in respect of element [4] instead.
16. As the complainant has not raised any issues with the way that the DWP has responded to elements [2] and [3], the Commissioner has not looked at the way the DWP has handled these elements.
17. The Commissioner considers that the scope of her investigation is to:
 - a. Determine whether the DWP holds information within the scope of element [1] and, if it does, whether section 40(2) would apply to that information.

- b. Determine whether the DWP holds information within the scope of element [4] and, if it does, whether section 40(2) would apply to that information.
- c. Examine the procedural handling of the request.

Reasons for decision

a. – Element [1]

18. Section 1(1) of the FOIA states that:

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

- (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.*

19. In cases where a dispute arises over the extent of the recorded information that was held by a public authority at the time of a request, the Commissioner will consider the complainant's evidence and arguments. She will also consider the actions taken by the authority to check that the information is not held and any other reasons offered by the public authority to explain why the information is not held. Finally, she will consider any reason why it is inherently likely or unlikely that information is not held.

20. The Commissioner's guidance on determining whether information is held states that a public authority will be deemed to "hold" information if that information can be collated from other data which the authority holds.² This would include, for example, collating a list of documents that it held (if no such list existed) or calculating an average from a dataset.

2

https://ico.org.uk/media/fororganisations/documents/1169/determining_whether_information_is_held_foi_eir.pdf

The DWP's position

21. The DWP set out its reasoning as to why it did not hold the requested information thus:

"DWP does not hold the building blocks to comply with the request without contacting the landlords for further information in order to attempt to separate out those sharing the same name. Therefore DWP, whilst holding data on landlords, does not hold sufficient data to answer this question."

22. The DWP also provided the Commissioner with some helpful background on the information it holds:

"In Universal Credit (UC), claimants are entitled to receive support with their housing costs if they have a liability to pay rent for the property they are living in. Claimants typically receive a single monthly payment of UC which includes support for housing. For those who may and do struggle with their single monthly payment, their housing costs support can be paid direct to their landlord. This is known as a Managed Payment To Landlord (MPTL). These can be put in place for a number of reasons including where the claimant is vulnerable, or at the landlord's request due to the existence of arrears.

"To claim assistance with housing costs, DWP asks UC claimants for the name and address of their landlord to support their declaration that they are liable for these costs. UC claimants will subsequently need to provide evidence of their liability to pay rent and their occupation of the relevant premises, for example through providing a tenancy agreement. Once rent details and occupation are established, the supporting documents are not retained. The name and address of a landlord declared by the claimant in their initial claim are the only details retained by DWP in its UC system. The accuracy and completeness of these details may vary depending upon what the claimant put when they initially filled in the form. DWP retains the information provided by the claimant in their declaration in its entirety (i.e. it does not amend it in any way), for multiple purposes including fraud and error and in processing requests from landlords to be paid direct via a MPTL."

23. Explaining its approach to element [1], the DWP explained that:

"In our response to the request, our ambition was to supply the information requested within the appropriate cost limit by providing the information held on the UC system, as supplied by the claimant. This meant that any two landlords with the same reported name

would be combined. We decided that this amalgamating of names would not be an issue for companies as they would trade under a registered name which was unlikely to be the same; hence we had greater confidence in the approach for corporate entities. However, this will have risked us identifying individual landlords as top landlords, when they may simply have a common name (which has then been redacted). Therefore, if DWP were to be required to provide details of the redacted names currently contained within the list, we cannot guarantee the accuracy of this data. To ensure that this list was accurate would mean checking all the duplicate names of the individual landlords provided. This would be a hugely expensive and time consuming task. For example, a conservative estimate of doing this manually for the approximately 4,000 contracts is 100 hours. We believe it would also be highly likely to require DWP to obtain information it does not already hold to confirm the identity of the named landlords. For instance, they could be the same landlord with multiple addresses."

The Commissioner's view

24. The Commissioner considers that the DWP does not hold the requested information.

25. In coming to this view, the Commissioner has had to ask herself a very basic question: what is the information that has been requested?

26. The original wording of this element was:

*"Please, can you **list** the 100 landlords (excluding social landlords) whose tenants collectively received the largest amount Universal Credit housing payments in 2019/20 (financial year)?"* [emphasis added]

27. The complainant did not ask for the names of 100 random landlords. He asked for names of the top 100 landlords and he asked for those details to be provided in the form of a list.

28. Whilst this may seem obvious, this distinction goes to the heart of why the DWP does not hold the information – because it is being asked to identify particular information from a larger dataset and present it in a particular format.

29. A list is not a random assortment of data. It requires the data to be presented in a specific way. The list the complainant has sought not only provides the bare data, it also informs him which individuals and businesses are within the top 100 and which ones are not. Secondly, the ranking of the names within the list will also be important and convey additional information about each landlord. The wording of element [3]

of the complainant's request indicates that the complainant is interested in the internal ranking within the list as well as the names themselves.

30. Therefore, until such times as the DWP is able to provide a ranked list of 100 landlords, it does not hold the requested information. It is not sufficient for the DWP to provide a "top 50" nor for it to provide its "best estimate" of which landlords make up the top 100.
31. The Commissioner recognises that, because of the manner in which the DWP collects the "building blocks" of the information – which is driven by its business need – it is inevitable that duplicate entries will creep into its database. For example, a landlord may use both a business and a personal address. Equally, in many Asian cultures, it is customary that the family name comes first (for example, President Xi Jinping of China would be referred to as "President Xi" in the same way one might refer to "President Biden"). However, when those names are imported into western culture, they will sometimes be reported in their original format (ie. family name, first name) and sometimes in a more westernised version (first name, family name). All those scenarios could potentially lead to the DWP having more than one entry in its database for the same individual.
32. Whilst the Commissioner notes that some entries could be resolved relatively easily, some entries might require more work. For example, particularly amongst older generations, it is not uncommon for men to be known by one of their middle names – meaning that it would not be obvious whether two people, with different first names but the same surname, who share an address, are the same person or two different people. The Commissioner therefore accepts that, with the information the DWP has, it will not be entirely possible to reconcile every single entry and thus the DWP will need to acquire additional information, that it does not already possess, in order to complete that task.
33. Until such times as the DWP has completed its process of reconciling each individual entry, it will be unable to say definitively which landlords make up the top 100 and where each landlord ranks within that top 100. And, as discussed above, until the DWP has that ranked list of 100, it does not hold the information.
34. Whilst it is unclear exactly how much verification work the DWP would, in reality, have to do, even if the DWP is only required to seek additional information in respect of a single entry that might determine whether a particular landlord was or was not ranked within the top 100, or what that landlord's particular ranking within that list would be, it is still required to seek new information that it does not already possess. Therefore it does not hold the information.

35. The list the DWP has provided is, the Commissioner accepts, a good faith attempt to provide the complainant with useful information. However, it is not what the complainant actually requested in element [1] of the request because the DWP has no way of knowing whether the corporate landlords would still retain their ranking positions if the list had been properly compiled.

b. – Element [4]

36. The DWP clearly treated element [4] as a request for a review of the way it had responded to element [1] of the original request. However, in the Commissioner's view, it was not.

37. As the Commissioner has set out above, the information the DWP provided to the complainant was not the information he actually asked for. It therefore follows that, in asking for the names that had been redacted in the information he had been provided with, the complainant was not "re-asking" for a list of 100 – he was asking for the specific names that had been redacted in the earlier response. If the DWP were not to rely on section 40(2), the list it would be required to give in response to element [4] is likely to be different from the one it would have been required to give in response to element [1] (if it held the information).

38. Whilst the complainant would have been unaware of this, the Commissioner considers that he was in fact asking for subtly different information.

39. Clearly, the DWP holds the names it has redacted from the list it has disclosed to the complainant (otherwise it would not have known that it needed to redact them), as a person's name is indisputably their personal data, the Commissioner has therefore gone on to consider whether section 40(2) of the FOIA is engaged in respect of this information.

Section 40(2) – third party personal data

40. Section 40(2) of the FOIA will apply in the event that disclosing the withheld information would breach any of the data protection principles.

41. Article 6(1) of the GDPR specifies the requirements for lawful processing by providing that "*processing shall be lawful only if and to the extent that at least one of the*" lawful bases for processing listed in the Article applies.

42. The Commissioner considers that the lawful basis most applicable is basis 6(1)(f) which states:

"processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child"³.

43. In considering the application of Article 6(1)(f) of the GDPR in the context of a request for information under the FOIA, it is necessary to consider the following three-part test:-
- i) **Legitimate interest test:** Whether a legitimate interest is being pursued in the request for information;
 - ii) **Necessity test:** Whether disclosure of the information is necessary to meet the legitimate interest in question;
 - iii) **Balancing test:** Whether the above interests override the legitimate interest(s) or fundamental rights and freedoms of the data subject.
44. The Commissioner considers that the test of 'necessity' under stage (ii) must be met before the balancing test under stage (iii) is applied.

Legitimate interests

45. In considering any legitimate interest(s) in the disclosure of the requested information under FOIA, the Commissioner recognises that a wide range of interests may be legitimate interests. They can be the requester's own interests or the interests of third parties, and

³ Article 6(1) goes on to state that:-

"Point (f) of the first subparagraph shall not apply to processing carried out by public authorities in the performance of their tasks".

However, section 40(8) FOIA (as amended by Schedule 19 Paragraph 58(8) DPA) provides that:-

"In determining for the purposes of this section whether the lawfulness principle in Article 5(1)(a) of the GDPR would be contravened by the disclosure of information, Article 6(1) of the GDPR (lawfulness) is to be read as if the second sub-paragraph (dis-applying the legitimate interests gateway in relation to public authorities) were omitted".

commercial interests as well as wider societal benefits. These interest(s) can include broad general principles of accountability and transparency for their own sakes, as well as case-specific interests. However, the narrower or more trivial the interest, the less likely it is that it will outweigh the rights of the data subject(s).

46. The DWP explained to the Commissioner that:

"The legitimate interests that we have identified are the general requirement for transparency in public life and for transparency and accountability in public expenditure.

"We agree there is a significant public interest in understanding how the housing costs support system works. There is considerable public debate about housing costs support expenditure and the quality of rented accommodation.

"We recognise that considerable sums are paid to claimants, and to some landlords on a claimant's behalf to meet rented housing costs. Therefore, disclosure of the names of the landlords can promote greater accountability for the quality of the housing stock provided on a proportionate basis."

47. The Commissioner accepts that ensuring that the housing and benefits systems are working properly is a legitimate interest – alongside the broader interest in transparency and accountability for spending public funds.

Is disclosure necessary?

48. 'Necessary' means more than desirable but less than indispensable or absolute necessity. Accordingly, the test is one of reasonable necessity and involves consideration of alternative measures which may make disclosure of the requested information unnecessary. Disclosure under the FOIA must therefore be the least intrusive means of achieving the legitimate aim in question.

49. Unfortunately, despite being specifically asked to do so, the DWP did not address the necessity test and its submission instead jumped on to the balancing exercise.

50. In the Commissioner's view, there are several checks and balances to determine whether the system of Universal Credit is working correctly. These include scrutiny by the National Audit Office, the various Parliamentary scrutiny committees and the work of various Non-Governmental Organisations. All these bodies would be able to go about their work without publication of this information and therefore to that extent, disclosure is not necessary to meet that legitimate interest.

51. However, the Commissioner does recognise that accountability for the way the DWP spends its money – in particular whether it is justified in supplying such large sums to the landlords involved – cannot be achieved in any other way and therefore she concludes that the necessity test is met.

Balance between legitimate interests and the data subject's interests or fundamental rights and freedoms

52. It is necessary to balance the legitimate interests in disclosure against the data subject's interests or fundamental rights and freedoms. In doing so, it is necessary to consider the impact of disclosure. For example, if the data subject would not reasonably expect that the information would be disclosed to the public under the FOIA in response to the request, or if such disclosure would cause unjustified harm, their interests or rights are likely to override legitimate interests in disclosure.

53. In considering this balancing test, the Commissioner has taken into account the following factors:

- the potential harm or distress that disclosure may cause;
- whether the information is already in the public domain;
- whether the information is already known to some individuals;
- whether the individual expressed concern to the disclosure; and
- the reasonable expectations of the individual.

54. In the Commissioner's view, a key issue is whether the individuals concerned have a reasonable expectation that their information will not be disclosed. These expectations can be shaped by factors such as an individual's general expectation of privacy, whether the information relates to an employee in their professional role or to them as individuals, and the purpose for which they provided their personal data.

55. It is also important to consider whether disclosure would be likely to result in unwarranted damage or distress to that individual.

The complainant's view

56. The complainant argued that there was a strong public interest in disclosure because of the amount of money involved. He also pointed to

a previous decision of the Commissioner in which she had ruled that a local council could disclose the names of landlords in receipt of housing benefit without engaging section 40(2) of the FOIA.⁴

The DWP's position

57. Noting the decision the complainant had pointed to, the DWP argued that there were important differences between that decision and the scenario with which it was presently faced.
58. Firstly, the DWP noted that the previous decision had been issued under the previous data protection regime. GDPR had since come into force and provided stronger levels of protection than had previously been the case.
59. Secondly, the DWP was keen to draw a distinction between the way in which the old housing benefit system had worked and the way in which Universal Credit works. It noted that it was not the default position that the landlord would be paid the Universal Credit directly. The new system was designed to encourage recipients to manage their own finances and therefore recipients were responsible for ensuring that the funds they received were transferred to their landlord. The DWP therefore argued that there was a distinct possibility that some of the landlords would not know that their tenants were in receipt of Universal Credit.
60. By publishing the names of the landlords, the DWP argued that those landlords might, in order to protect their privacy, choose not to accept tenants in receipt of Universal Credit in future (so as to avoid an appearance on a "top 100" list – thus narrowing the options of claimants).
61. Finally the DWP argued that those landlords who were aware that the DWP held this information would have a reasonable expectation that their personal data would not be disclosed. Disclosure contrary to those reasonable expectations would thus be distressing to the individuals involved and lead to a loss of privacy.

⁴ https://ico.org.uk/media/action-weve-taken/decision-notice/2015/1043296/fs_50547446.pdf

The Commissioner's view

62. The Commissioner considers that, in the circumstances of this case, the rights of the data subjects would outweigh the legitimate interest in disclosure.
63. Firstly, the Commissioner accepts that the architecture of Universal Credit is different to that of housing benefit – particularly in the emphasis it places on recipients being in control of their own financial affairs. She is therefore bound to note that there is a considerable chance that one or more of the individuals whose name would appear on the list is completely unaware of the source of their tenant(s)' income. For those individuals in particular, disclosure of their names would be a significant intrusion into their privacy and would be distressing.
64. The Commissioner recognises (as she did in her earlier decision) that the information involved would relate more closely to the data subjects' business affairs than their personal life – however, whilst the former does not justify quite the same level of protection as the latter, it does not mean that the data subjects have no reasonable expectation of any privacy in respect of their business affairs.
65. Secondly and, in these particular circumstances, of greater importance is the fact that the names the DWP would be required to disclose are not necessarily the right names – nor are they necessarily in the right order.
66. As the Commissioner has noted above, the list that the DWP has provided is not an accurate list because it has not carried out the necessary data validation to compile an accurate list. The Commissioner therefore considers that, if this process had been carried out properly (ie. if the DWP were able to respond to element [1]) the names that would appear on that list may differ substantially from those the DWP is withholding.
67. The DWP was keen to draw the Commissioner's attention to what a small chunk of its overall Universal Credit spend was actually going to the individuals on its top 100 list. Therefore she considers that there is a significant chance that individuals, who currently rank between 90-100 on the list, might drop off the list altogether if all the entries are properly reconciled (ie. other individuals may jump ahead in the ranking once all their income is consolidated). Equally, individuals may move up or down within the top 100 ranking, depending on the reconciled list.
68. It would be one thing to declare the entries on a list, when the individuals do not know that they would be on such a list. But for those individuals to be named when they would not even appear on a properly-compiled list strikes the Commissioner as doubly unfair. Given

that there is no way of determining which individuals should and should not be on the list, there would be no way of mitigating the damage that might cause.

69. Finally, the Commissioner also accepts the DWP's argument that the data protection landscape has shifted in favour of the rights of the data subject since her 2015 decision. Whilst this would not, in itself, be sufficient for her to take a different view in respect of this case, given the issues identified above, the Commissioner is satisfied that disclosure in this case would not have a lawful basis and would therefore be unlawful.
70. As disclosure of the personal data would be unlawful, it would breach one of the data protection principles and thus the DWP was entitled to rely on section 40(2) of the FOIA to withhold this information.

c. – Procedural Matters

Section 16 – Advice and Assistance

71. Section 16 of the FOIA requires a public authority to provide reasonable advice and assistance to persons making, or wishing to make, an information request.
72. What advice and assistance it is "reasonable" for the public authority to provide will vary depending on the circumstances. However there are four broad scenarios in which the Commissioner expects public authorities to provide advice and assistance:
 - a. Where a public authority needs to ensure that it has obtained the correct objective reading of the request or clarify the parameters of the request
 - b. Where a requestor needs to refine their request so that it falls within the cost limit.
 - c. Where a public authority does not hold the information but knows of another organisation that might hold it.
 - d. Where a public authority does not hold the precise information requested but holds other relevant information which may be of interest.
73. In scenarios where a public authority does not hold the precise information, but may hold similar information, the Commissioner's guidance on dealing with requests cautions against attempting to "second guess" what a requestor might want and providing different information instead. If a public authority does not hold the requested

information, it should tell the requestor that. Then it should explain what similar forms of information it does actually hold so that the requestor can then choose what information may be of interest.

74. In this particular case, the DWP did not hold the information the complainant had requested and should not have taken the request forward. Instead, it should have informed the complainant that it could have provided the "uncleansed" list instead. This might have been satisfactory to the complainant – or he might have wished to focus his request in a different way. By simply provided him with similar, but different, information the DWP prevented the complainant from refining his request in a way that suited him.
75. The Commissioner therefore considers that the DWP did not provide reasonable advice and assistance to the complainant. Therefore it breached section 16 of the FOIA.
76. As the complainant will be aware, from this decision notice, as to what information the DWP does and does not hold, the Commissioner does not consider that it is necessary for her to order the DWP to take any remedial steps.

Timeliness

77. Section 10 of the FOIA requires a public authority to comply with its duty under section 1(1) of the FOIA "promptly and no later than the twentieth working day after the date of receipt".
78. The DWP failed to respond to element [3] of the request within 20 working days. It also incorrectly claimed to hold the information within the scope of element [1]. The Commissioner therefore considers that the DWP breached section 10 of the FOIA in responding to this request.

Other matters

79. Whilst noting that the DWP has been affected more than most public authorities by the Covid-19 pandemic, the Commissioner is disappointed that, not for the first time, she has been required to draw attention to basic errors in the DWP's handling of requests for information.
80. When a public authority receives what appears to be a request for information under FOIA, its first step must be to determine whether it is a valid request and whether it has sufficient clarification to identify all relevant information it may hold.
81. Having determined that the request is clear and valid, a public authority must next decide whether it can comply with the request. Public authorities are not obliged to comply with requests that are vexatious, repeated, or which cannot be responded to without exceeding the appropriate limit.
82. Thirdly, once a public authority has established that it is obliged to comply with a request, it must identify all the relevant information it holds. Unless a specific exemption allows it to neither confirm nor deny holding information, the public authority must, at this stage confirm to the requestor that it holds information relevant to the request.
83. Finally and only when all of the first three steps have been completed, should the public authority begin thinking about what exemptions might apply to the information. A public authority should not merely assume that, because an exemption from disclosure would apply to any information that was held, it can simply skip straight to the end of the process.
84. The Commissioner considers that the DWP's central FOI team has the experience and knowledge to ensure requests are handled correctly. As she has previously noted, she expects the wider organisation to use this resource and her published guidance to improve its request handling in the future.

Right of appeal

85. 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@justice.gov.uk

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

86. 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.
87. 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

Pamela Clements
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF