

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 26 January 2023

**Public Authority:** Department for Work and Pensions

**Address:** Caxton House  
Tothill Street  
London  
SW1H 9NA

#### **Decision (including any steps ordered)**

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1. The complainant has requested the most recent version of minutes for a Universal Credit Programme Board (UCPB) meeting held in February 2020.
2. The Commissioner's decision is that the Department for Work and Pensions (DWP) has failed to fully consider all the information specified in the complainant's request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation:
  - Issue a fresh response to the complainant that confirms it holds the requested information. The DWP should either disclose the information or, in respect of any information it intends to withhold, issue a refusal notice within the meaning of section 17 of FOIA providing a basis for withholding information. Specifically, the DWP should provide a fresh response clarifying what information is held in relation to the most recent version of the meeting minutes in question.
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 FOIA and may be dealt with as a contempt of court.

## Request and response

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5. On 4 November 2022, the complainant wrote to the DWP and requested information in the following terms:

"The UCPB papers for October 2020 were recently deposited in the House of Commons library:

<https://depositedpapers.parliament.uk/depositedpaper/2284676/details>

The minutes for the previous UCPB meeting are usually included in the deposited papers. On this occasion the minutes for the previous meeting, which took place in February 2020, have not been included in the deposited papers.

Please provide a copy of the minutes for the February 2020 UCPB meeting. If there is no final version of the minutes then please provide the most recent draft of those minutes." (sic)

6. DWP responded on 16 November 2022. It stated that no information was held within the scope of the request because there were no finalised outputs. This was due to the Secretariat being stood down and re-deployed to support operations during the Covid-19 pandemic.
7. Following an internal review, the DWP wrote to the complainant on 30 November 2022 and reaffirmed their position that no finalised outputs for the meeting were recorded.

## Scope of the case

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8. The complainant contacted the Commissioner on 7 December 2022 to complain about the way their request for information had been handled.
9. They had requested the minutes of the February 2020 UCPB meeting. However, DWP were asserting that no information was held as the minutes had not been finalised. The complainant has complained that DWP misunderstood their information request, and not confirmed whether it holds draft minutes of the meeting.
10. In circumstances such as this, where the two parties have a different interpretation of the request and maintain those positions, the Commissioner will issue a decision notice which confirms which interpretation he considers to be the correct one. If the complainant's intended interpretation is an objective reading of the request, then the Commissioner will issue a decision notice which orders the public

authority to issue a fresh response based upon the complainant's interpretation of the request. If the complainant's interpretation is not an objective reading, and the public authority's is, then the Commissioner will issue a decision notice which finds that the request has been interpreted correctly by the public authority.

11. The Commissioner will also consider whether DWP holds information falling within the scope of the request.

## **Reasons for decision**

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12. Section 1(1)<sup>1</sup> of 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."

13. Section 8(1)<sup>2</sup> of FOIA states:

"In this Act any reference to a "request for information" is a reference to such a request which –

- (a) is in writing,
- (b) states the name of the applicant and an address for correspondence, and
- (c) describes the information requested."

14. Section 84<sup>3</sup> of FOIA defines "information" in this context as being information "recorded in any form".

15. Public authorities must interpret requests for information objectively. They must avoid reading into the request any meanings that are not clear from the wording. If the request clearly specifies exactly what information or documents the requester wants, then there will only be one objective reading to the request.

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<sup>1</sup> <https://www.legislation.gov.uk/ukpga/2000/36/section/1>

<sup>2</sup> <https://www.legislation.gov.uk/ukpga/2000/36/section/8>

<sup>3</sup> <https://www.legislation.gov.uk/ukpga/2000/36/section/84>

16. The complainant considers that DWP holds information within the scope of their request. They requested a copy of the UCPB meeting minutes from February 2020 and confirmed that if the final version was not available then the most recent draft should be provided. DWP stated that it did not hold the requested information, but explained in its internal review that there was a draft of the minutes which had not yet been finalised, which contradicts its position that no information is held.
17. The Commissioner provided DWP with an opportunity to review its handling of the case and DWP responded by confirming its position that the information was not held as it is in draft form and, therefore, not within the scope of the request.
18. In making his determination, the Commissioner has considered the strict wording of the request:

“Please provide a copy of the minutes for the February 2020 UCPB meeting. If there is **no final version** of the minutes then please provide the **most recent draft** of those minutes.” (emphasis added)
19. The Commissioner considers that the request is clear in its scope and that the draft minutes DWP confirmed were held clearly fall within the scope of the request.
20. As DWP confirmed in its internal review that it holds draft minutes of the meeting, the Commissioner is satisfied that on the balance of probabilities, it holds information falling within the scope of the request.
21. The Commissioner requires DWP to issue a fresh response which does not deny holding the requested information. DWP should then disclose the requested information falling within the scope of the request or, if withholding it, should issue a refusal notice in accordance with section 17(1) and provide substantive reasoning as to why this is necessary.

## Right of appeal

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22. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

23. 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.
24. 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

**Victoria Parkinson**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**