

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

### **Decision notice**

**Date:** 5 June 2024

**Public Authority:** Department of 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 information about the UK's social security agreement with Canada. The Department for Work and Pensions ("the DWP") refused the request on the basis of section 14(2) (repeated requests) of the FOIA.
2. The Commissioner's decision is that the DWP is not entitled to rely on section 14(2) of the FOIA to refuse this request.
3. The Commissioner requires the DWP to take the following steps to ensure compliance with the legislation.
  - Provide a fresh response to the request without relying on section 14(2) of the FOIA.
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**

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5. On 14 November 2023, the complainant wrote to the DWP and requested information in the following terms:

"In the context of your response dated 24 August 2023, you stated that no DWP team has been authorised by the UK government to negotiate a new social security agreement with Canada. Can you please tell me which: department/person/persons/minister within the UK government has, or would have the authority to empower a DWP team to negotiate and/or renegotiate the current social security agreement between the UK and Canada."

6. The DWP responded on 12 December 2023. It stated that it considered the request a repeat of a previous one made by the same complainant on 23 September 2023. It maintained this position at internal review.

### Reasons for decision

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7. 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."

8. Section 14(2) of FOIA states that:

'Where a public authority has **previously complied** with a request for information which was made by any person, it is not obliged to comply with a subsequent identical or substantially similar request from that person unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request.'

9. The complainant previously made a request on 23 September 2023 in which they asked:

"1. Which government department/team has the authority to negotiate/re-negotiate social security conventions with other States, as a matter of general policy?

2. Please provide contact details of that department/team."

10. The DWP responded to this request on 31 October 2023 and stated the information was not held. It revised this position at internal review, stating it considered the request vexatious under section 14(1) of the FOIA.
11. It is clear that both requests were submitted by the same individual.

12. The Commissioner's guidance<sup>1</sup> says:

"...you can only apply section 14(2) to a request where you have either;

- already provided the information to the same requester in response to their previous FOIA request; **or**
- previously confirmed that you do not hold the information in response to an earlier FOIA request from the same requester.

If neither of the above criteria applies, then the request is not repeated and must process be processed in the usual manner."

13. In this case, DWP has not provided the information requested on 23 September, therefore it cannot be said to have complied with the request. Accordingly, the Commissioner finds that the DWP is not entitled to rely on section 14(2) of the FOIA to refuse the request.

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<sup>1</sup> <https://ico.org.uk/for-organisations/foi/freedom-of-information-and-environmental-information-regulations/dealing-with-repeat-requests/#hastheauthority>

## Right of appeal

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14. 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)

15. 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.
16. 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 .....**

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