

# Freedom of Information request 865/2014

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## Information request

how can the council apply to the secretary of state to deduct anything from a benefit that clearly in law states that it is **INALIENABLE**?

## DWP response

It may be helpful if I explain the role of the Freedom of Information Act. The Act provides a right of access to recorded information held by a public authority like DWP (subject to certain exemptions). The Act does not provide that a public authority must create new information to answer questions; nor does it provide that a public authority give advice, opinion or explanation in relation to issues/policies under question.

In cases where a customer does ask a question, rather than request recorded information, we do our utmost to provide the recorded information that best answers the question. Once the public authority has provided the recorded information, it has met its obligations under the Act; interpretation of the information provided is left to the requestor.

Section 187 of the Social Security Administration Act is intended, for example, to ensure that a right to a benefit does not pass to a third party on bankruptcy or sequestration of the claimant. However, Section 187 is "subject to the provisions of this Act". There are other provisions in the Social Security Administration Act (see section 5(1)(p) for example) which confer powers to make regulations for making deductions from benefit to discharge obligations or to recover debts. Regulations then specify the circumstances when deductions may be made and when consent may be required.