

Ref no: 13/0430

30<sup>th</sup> April 2013

Thank you for your email of 31<sup>st</sup> March 2013 where you requested the following information:

- 1. How many staff/workers/contractors (or similar) were paid salaries through service companies in (a) FY 2008/09, (b) FY 2009/10, (c) FY 2010/11, (d) FY2011/12, (e) FY 2012/13*
- 2. What was the total value of all payments for staff/workers/contractors (or similar) who were paid through service companies in (a) FY 2008/09, (b) FY 2009/10, (c) FY 2010/11, (d) FY2011/12, (e) FY 2012/13*
- 3. Please provide a list showing the name and job title/position of staff/workers/contractors (or similar) paid through service companies, and the amount each were paid in (a) FY 2008/09, (b) FY 2009/10, (c) FY 2010/11, (d) FY2011/12, (e) FY 2012/13*

### **Freedom of Information Act 2000**

Your request has been handled under the Freedom of Information Act 2000 ('the Act'). Under the Act you have the right to:

- know whether we hold the information you have requested and;
- be provided with that information (subject to any exemptions under the Act which may apply).

### **Number and cost of individuals**

In response to your questions, the Department of Energy and Climate Change (DECC) does not hold centrally the details of people who were paid off payroll and may have been paid through a service company in each of the years that you have requested.

In order to provide you with the information on the scale that you have requested would require us to contact all current line managers in DECC to ask them to search local records and identify any people who had worked in DECC and been paid off payroll within the periods that you have requested and the type of company that we had procured their services from.

Section 12 of the Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for central government is set at £600. This represents the estimated cost of one person spending 3.5 working days in determining whether the department holds the information, locating, retrieving and extracting the information.

We estimate that it will take us in excess of 3.5 working days to determine appropriate material and locate, retrieve and extract the information in reference to your request. Therefore, your request will not be processed further.

You may wish to refine your request by narrowing its scope by being more specific about what information you particularly wish to obtain, including any dates or period of time relevant to the information required.

However, it may interest you to know, that DECC has already published details of Senior Public appointees working in DECC as at 31 January 2012 in response to the HM Treasury review into tax arrangements of Public Sector appointees. This publication included people whose services were procured both via a personal service company and via employment agencies. This document can be viewed at <https://www.gov.uk/government/publications/tax-review-of-public-sector-employees-may-2012> and is available in both xls and csv formats.

A review of the payment arrangements for all off-payroll staff is being conducted in line with the recommendations made by the Chief Secretary to the Treasury (see [http://www.hm-treasury.gov.uk/d/tax\\_pay\\_appointees\\_review\\_230512.pdf](http://www.hm-treasury.gov.uk/d/tax_pay_appointees_review_230512.pdf) for further details) within DECC and the non departmental public bodies for which it is responsible, to ensure that all off-payroll staff are compliant with the new Tax Policy. DECC will be publishing a further statement following the submission of our annual resource accounts for 2012-13. Therefore publication of any further data at this time would be exempt under Section 22 of the Act, which exempts information which is intended for publication at a future date.

Section 22 is a qualified exemption and we have therefore considered the public interest test. There is a public interest in providing you with this information as this leads to greater transparency in government. However, DECC is complying with the recommendations of the review and is setting out changes for both contractual and specific tax arrangements for any people who are being paid off-payroll. At the same time it also recognises that personal tax arrangements are a matter for the individual and HM Revenue and Customs. That paper also set out that a further review should be carried out in April 2013. In order for DECC to collect, analyse and carry out that review will require a considerable amount of time. Therefore DECC is putting in place a process to capture the data and conduct the review within the timescales set out and will publish the results once the review has been concluded. We feel the best use of public resources would be applied in pulling this information together, ensuring the information is accurate and published in a consistent and comprehensive format, rather than issuing it in a piecemeal fashion. Having considered the public interest test, the Department's decision is to withhold the requested information.

Some of the information you have requested is exempt under section 40 (personal information) of the Act, as the information constitutes third party data. Section 40(2) provides that personal data about third parties is exempt information if one of the conditions set out in section 40(3) is satisfied. Under the Act disclosure of this information would breach the fair processing principle contained in the Data Protection Act, where it would be unfair to that person/is confidential.

If you are unhappy with the result of your request for information, you may request an internal review within two calendar months of the date of this email. If you wish to request an internal review, please contact me.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioners Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF