

# Freedom of Information request 136/2014

Received 11 January 2014

Published

## Information request

"Can you please email the electronic responses sent to [sanctions.review2013@dwp.gsi.gov.uk](mailto:sanctions.review2013@dwp.gsi.gov.uk). Happy to get multiple emails if sending many documents or a compilation."

## DWP response

We are unable to provide the information requested. The terms of reference for the review, which can be found at <https://www.gov.uk/government/consultations/jobseekers-allowance-sanctions-independent-review>, clearly state that the review is being carried out independently of the Department for Work and Pensions.

The Freedom of Information Act applies to recorded information held by a public authority at the time the request is received. As stated above, in this instance responses to the "call for evidence" are not held by DWP because they are held on behalf of the independent reviewer. Therefore, the Department's position is that, for Fol purposes, the responses are not held by DWP.

You should also note that information submitted to the review was done so in confidence as requested by the reviewer. The call for information (now closed) states that:

*"All responses will be treated in confidence unless we explicitly seek your permission to attribute your comments".*

The report when completed will be published and will contain information gathered from the call for information.

In any event, as explained above, the independent reviewer has made it clear that all the responses will be treated in confidence. This means that even if the Department did hold the information sought, it would be exempt from disclosure under section 41 of the Fol Act - information provided in confidence.