

**IN THE MATTER OF AN APPEAL TO THE FIRST TIER TRIBUNAL
(INFORMATION RIGHTS)
UNDER SECTION 57 OF THE FREEDOM OF INFORMATION ACT 2000**

EA/2016/0262

B E T W E E N:-

BEN LOTZ

Appellant

-and-

THE INFORMATION COMMISSIONER

First Respondent

-and-

THE DEPARTMENT FOR WORK AND PENSIONS

Second Respondent

CONSENT ORDER

UPON the Second Respondent already having provided the relevant advice and assistance as per the substituted decision notice below;

AND UPON the Appellant already having indicated that he is prepared to submit a refined request for information to the Second Respondent in the following terms ("the Refined Request"):

"Can the DWP please provide element1 (the DWP team-email-addresses) as described in para13 of the DWP submission (in case EA/2016/0262) from 20-1-2017 --in the original form, i.e. all current such addresses-- from the third-party-supplier.

+ only if this is within the cost-limit, please also include element2 (the team-names/descriptions) where these are readily available, + element3 (the locations) where these are readily available.

But please note, that I am happy to extend the cost-limit by paying for a few extra hours.

The below section "My Expectations" shall form part of this request too.

If you still need more clarification or encounter a problem, please ask me immediately.

Best wishes

Ben Lotz

My Expectations:

If I may elaborate on what I expect regarding descriptions + locations (i.e. element2+3):

When I set up a personal or generic/group email address in e.g. hotmail or gmx, I am asked not only to select the email-address, but also to provide my name or description (of the group) in the firstname + surname fields, + I am usually asked for a postcode or physical location.

I expect the same principle to apply to the email-addresses that the third-party-supplier holds for the DWP. I expect these details to be stored in the metadata.

Where these fields are empty, I expect them to be left empty. I do not expect the DWP to go search for it manually or by sending out an email to all 28000 team-email-addresses, or similarly ridiculous proposals.

I expect that adding the queries for element2+3, will only add maybe about 2hours (as they can probably simply be integrated into the query for element1).

I do not consciously impose any obligation on the DWP to go through all team-email-addresses that are so supplied by the third-party-supplier. + I am aware that redactions should not come out of the cost-limit. But being mindful of the DWP's own sensibilities, I like to allow them 1sec per email-address for all necessary redactions/exemptions/etc. (--this is 1sec per email-address, not per different type of redaction or exemption that the DWP seek to apply).

That said, I calculate the costs as follows:

Retrieval of element1 = (less than) 7hours

Adding element2+3 = 2hours

Redactions etc. = (less than) 8hours

I like to add, that I am prepared to pay, if the costs run a few hours over the limit.

But my calculation suggests, that --even if it would take 3times as long to add element2+3-- it really shouldn't breach the cost-limit.

AND UPON the Second Respondent agreeing not to refuse the Refined Request by applying section 14 of the Freedom of Information Act 2000 ("FOIA") to it, and otherwise to comply with its obligations under FOIA in respect of it.

Pursuant to Rule 37(1) of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009, as amended, the parties request that the Tribunal, if it considers it appropriate, consents to the following order disposing of the proceedings which has been agreed by the parties:

1. The appeal is part allowed.
2. Paragraph two of decision Notice FS50624111 dated 25 October 2016 be substituted in the following terms:

"...The Commissioner requires the DWP to provide the complainant with advice and assistance in accordance with its obligations under section 16. 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."

Dated this day 15th March 2017