

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 8 August 2024

Public authority: Department for Work and Pensions

Address: Caxton House
Tothill Street
London
SW1H 9NA

Decision (including any steps ordered)

1. The complainant requested information from the Department for Work and Pensions (DWP) about how earnings are calculated for the purposes of Universal Credit.
2. The Commissioner's decision is that, on the balance of probabilities, the DWP does not hold the requested information.
3. The Commissioner does not require the DWP to take any steps as a result of this decision notice.

Request and response

4. On 23 January 2024 the complainant requested the following information from the DWP:-

"Please can you provide details of how the UC computer system calculates a claimant's net employed earnings, by reference to the RTI Data Items provided to DWP by HMRC."
5. The DWP responded to the request on 8 February 2024. It stated that it did not hold the requested information.

6. The complainant sought an internal review of the DWP's handling of the request on 8 February 2024. A response to this was provided on 7 March 2024. The reviewer upheld the original decision.

Scope of the case

7. The complainant contacted the Commissioner on 7 March 2024 to complain about the way their request for information had been handled. The complainant disputed that the DWP did not hold any information relevant to the request.
8. The Commissioner considers the scope of the investigation is to determine if, on the balance of probabilities, the DWP holds the requested information.

Reasons for decision

9. Under section 1(1) of FOIA anyone who requests information from a public authority is entitled under subsection (a) to be told if the authority holds the information and, under subsection (b), to have the information communicated to them if it is held and is not exempt information.
10. The Commissioner has sought to determine whether, on the balance of probabilities, the DWP holds the requested information.
11. From the information provided, the Commissioner can see that the DWP has explained, in both the original response to the complainant and in the internal review, that it does not hold such information.
12. In its submissions to the Commissioner, on 8 July 2024, the DWP clearly stated that it did not hold the detailed breakdown of the calculation of the Universal Credit and its relationship to the Real Time Information (RTI) data documented.
13. The DWP explained that RTI does not calculate net earnings for Universal Credit (UC). It provides the following calculated amounts that are used in UC net earnings calculations within UC.
 - Taxable-Pay
 - Tax
 - NI-Contributions

- Pension-Under-Net-Pay
- Pension-Contribution-Relief-At-Source
- Benefit-In-Kind-Amount.

The detail of the Universal Credit earnings calculation are set out in regulation 55 and 61 of the Universal Credit Regulations 2013.

14. The DWP explained to the Commissioner the approach it took in order to ascertain whether it held any recorded information within the scope of the complainant's request. The Commissioner is satisfied that thorough and adequate searches of electronic and paper files were carried out by the DWP to determine whether recorded information within scope of the request was held or not held. Furthermore, the Commissioner is satisfied that appropriate consultations took place with relevant DWP staff and that, should information within scope of the request have been held, those staff who were consulted would have been aware of such information.
15. On the balance of probabilities, the Commissioner is satisfied that the requested information is not held by the DWP and, therefore, it cannot be provided.
16. The Commissioner also notes that the DWP has provided the complainant with some publicly available information which may be helpful in assisting the complainant by providing some information around RTI data and the calculation of Universal Credit.
17. The DWP has complied with its obligations under section 1(1) of FOIA in this case.

Right of appeal

18. 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

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

19. 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.
20. 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

Deirdre Collins
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF