

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 26 February 2019

Public Authority: Department for Work and Pensions (DWP)
Address: 4th Floor
Caxton House
Tothill Street
London

Decision (including any steps ordered)

1. The complainant has requested information about a CCTV upgrade at a DWP benefits office. The DWP maintains that it does hold the requested information.
2. The Commissioner's decision is that DWP, on the balance of probabilities, does not hold the requested information.
3. The Commissioner requires the public authority to take no steps to ensure compliance with the legislation.

Request and response

4. On 18 April 2018, the complainant requested from DWP, information of the following description:
 - When was the last time the CCTV was upgraded at West Derby, Liverpool benefits office and what was the cost?
 - Where is this identified in the standard releases of DWP expenditure over £25,000?
5. DWP responded, 2 May 2018, by saying as follows:

"CCTV systems were installed in all existing Jobcentre sites as part of the Department's Jobcentre Plus Rollout programme, which took place between 2002 and 2006. In view of the time elapsed, no specific records

are maintained to show when individual sites such as Liverpool West Derby were fitted out during the rollout period and no upgrades have taken place since then.

Since installation and up to 31st March 2018, responsibility for the maintenance of the systems has been carried out via our FM provider Telereal Trillium. The Department entered into a new security contract with G4S from 1st April this year, and under this new arrangement, G4S will be carrying out a full audit and review of all the Department's security systems and providing us with proposals to modernise and upgrade the systems in order to reflect the changing risk to the Department's property and staff.

As no upgrades have taken place and maintenance was funded through the PRIME contract with Telereal Trillium no additional expenditure has been incurred by the Department".

6. The DWP provided an internal review of its decision on 28 June 2018 in which it maintained its original position.

Scope of the case

7. The complainant contacted the Commissioner on 10 July 2018 to complain about the way his request for information had been handled.
8. The Commissioner considers that she has to determine, on the balance of probabilities, whether the DWP holds the requested information.

Reasons for decision

9. Section 1 (1) of the FOIA states:

"Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request... ."

10. In scenarios where there is some dispute between the amount of information located by a public authority and the amount of information that a complainant believes may be held, the ICO, following the lead of a number of Information Tribunal decisions, applies the civil standard of the balance of probabilities.
11. In other words, in order to determine such complaints the ICO must decide whether, on the balance of probabilities, a public authority holds

any information which falls within the scope of the request (or the information was held at the time of the request).

12. In order to determine the above the Commissioner put a number of questions to the DWP. A precis of the questions and the DWP's answers are laid out below.

Q. What searches have been carried out to check no information was held within the scope of the request and why would these searches have been likely to retrieve any relevant information?

A. On 1 April 2018 DWP's operating model for the management of its estate changed. DWP exited a 20 year PFI contract (known as the PRIME contract) whereby Telereal Trillium and its supply chain were responsible for the management and provision of property services to the estate.

Sodexo reviewed the historic information within the Expiry Pack for West Derby Job Centre, Liverpool (new property code 620200). This search included the 'Site Specific Method Statement document' for that particular site which is an overview document with details of all information that one would expect a facilities manager to know and retain about the site. The review of this document found that there was no detailed information about when the CCTV equipment was originally installed or whether there had been any upgrade and there was no reference to any costs relating to the equipment.

The floor plans for the site, which were handed over as part of the Expiry Pack, were also checked. These indicate that there was minor reconfiguration of floor space detailed in the 'As fitted drawings' dated 27 September 2017¹. These indicate changes to fixed walls to walls with vision panels and there is information about furniture. The key shows the location of the CCTV but there is no narrative to suggest that there was any upgrade to the CCTV.

This is an electronic excel master spreadsheet of security assets which was prepared by G4S and checked by Sodexo. The document did not provide any insight as to whether the CCTV equipment had been upgraded, or therefore any associated costs.

Q. Please describe thoroughly any searches of relevant paper/electronic records and include details of any staff consultations.

¹ This might account for the complainant's assertions in paragraph 13 below.

A. Sodexo reviewed the historic information within the Expiry Pack for West Derby Job Centre, Liverpool (new property code 620200).

Q. If searches included electronic data, which search terms were used and please explain whether the search included information held locally on personal computers used by key officials (including laptop computers) and on networked resources and emails.

A. The documents, data and records for the site which were handed over as part of the Expiry Pack from Telereal Trillium to Sodexo are electronic records which are now on a shared network drive accessible by Sodexo employees, as DWP Estates' Integrator.

The search terms used for documents contained within the Expiry Pack were 'CCTV', '1606' (the historic Telereal Trillium property code), West Derby and Springfield (the property is also known as Springfield House).

Q. If the information were held would it be held as manual or electronic records?

A. If held, the information would be electronic held within the Telereal Trillium expiry pack or within the Security Asset Master Register, prepared by G4S and shared with Sodexo.

Q. Was any recorded information ever held relevant to the scope of the complainant's request but deleted/destroyed?

A. Documents held by Sodexo are those handed over as part of the Expiry Pack from Telereal Trillium. No documents have been deleted or destroyed.

Q. Are there any statutory requirements upon the DWP to retain the requested information?

A. For information of this type there are no statutory requirements.

13. The Commissioner notes that the claimant has stated to the DWP² that he was told that improved cameras were being installed when speaking to a technician/engineer. Aside from this there is no further evidence that suggests that the information is, or maybe is, held.

14. The Commissioner is not expected to decide categorically whether the information is held, she is only required to make a judgement on

² 03 July 2018

whether the information is held on the civil standard of the balance of probabilities.

15. Having considered the scope of the request and on an objective reading of the papers, the Commissioner is satisfied that the DWP carried out adequate searches to identify and locate the requested information that was held at the time of the request. In the absence of persuasive evidence to the contrary, the Commissioner's satisfied that the DWP does not hold information falling within the scope of the request.

Right of appeal

16. 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: 0300 1234504

Fax: 0116 249 4253

Email: GRC@hmcts.gsi.gov.uk

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

17. 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.
18. 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

Andrew White
Group Manager

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