



Department  
for Work &  
Pensions

Human Resources FoI Team

Email:

[HRPQ\\_FOIFOCALPOINT@DWP.GOV.UK](mailto:HRPQ_FOIFOCALPOINT@DWP.GOV.UK)

Derek Stainsby  
dereks@pplc.org.uk

Our Ref: FOI2020/03283

Date: 19 February 2020

Dear Derek Stainsby,

Thank you for your Freedom of Information request (FoI) received on 24th January. You asked for:

*“Good Afternoon*

*A claimant was referred to as a "lying bitch " in papers provided to a Tribunal over a disputed decision on the claimant's entitlement to Personal Independence Payment ((PIP)*

*The DWP recently made an out of court settlement and paid the claimant £5000 plus her legal costs according to an article in The Guardian newspaper (12 December 2019)*

*I am not wishing to know the identity of the person who defamed the claimant but I am asking to be provided with precise details of what action was taken against that individual( i.e. was that person dismissed?)”*

### **DWP Response**

I can confirm that we hold the information that you have requested. DWP takes instances of this kind of behaviour by a member of staff very seriously and in this case appropriate disciplinary action was taken against the individual concerned.

However, I am unable to provide you with the information requested as it constitutes personal data of someone other than yourself and as such, it is being withheld in accordance with section 40(2) of the FOIA.

Section 40(2) exempts information in response to a request if it is personal data belonging to an individual other than the requester and it satisfies one of the conditions listed in the legislation. In this case the condition contained in section 40(3A)(a) applies - that disclosure would breach one of the data protection principles, specifically that “Personal data shall be processed lawfully, fairly and in a transparent manner...”.

We do not consider that disclosing this information is necessary or justified in order to satisfy your information request and the requirements of the FOIA. In relation to this request, we consider that there is no strong legitimate interest that would override the prejudice to the rights and freedoms of the data subject.

Personal data are subject to GDPR and the Data Protection Act 2018.

If you have any queries about this letter, please contact me quoting the reference number above.

Yours sincerely,

Human Resources FoI Team  
Department for Work and Pensions

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**Your right to complain under the Freedom of Information Act**

If you are not happy with this response you may request an internal review by e-mailing [freedom-of-information-request@dwp.gov.uk](mailto:freedom-of-information-request@dwp.gov.uk) or by writing to DWP, Central FoI Team, Caxton House, Tothill Street, SW1H 9NA. Any review request should be submitted within two months of the date of this letter.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF  
Web: [ico.org.uk/Global/contact\\_us](http://ico.org.uk/Global/contact_us) or telephone 0303 123 1113 or 01625 545745