



Department  
for Work &  
Pensions

The Rt Hon AMBER RUDD MP  
Secretary of State for Work & Pensions

Emma Cotton  
Equity Trade Union  
Guild House  
Upper St Martins Lane  
London  
WC2H 9EG

6<sup>th</sup> June 2019

Dear Ms Cotton,

Thank you for your letter of 13 May 2019 regarding Universal Credit consent procedures and the Information Commissioners' Offices (ICO) recent decision.

The Department has noted the decision from the ICO and officials are working closely with our Data Protection Officers in response to the ICO's comments to explore options for improving the process of explicit consent in relation to Universal Credit.

A similar question was also raised recently by the Social Security Advisory Committee. In our response we agreed to work collaboratively with the Committee to consider how current practices could be enhanced and publish a report on our joint conclusions. This activity will include working with claimants and their representatives to ensure the process works effectively for vulnerable claimants accessing the service.

Please be assured that we agree that working with representatives is the ideal way to develop our process and guidance.

It may help if I take this opportunity to explain the reasons behind how consent is managed under Universal Credit.

To protect our claimants, we need to ensure that we are providing the right information to the right people, ensuring we have the permission of the claimant. Universal Credit is different to the legacy systems it is replacing and any consent process needs to work for and with the design of Universal Credit.

Under Universal Credit, the online digital account is fundamental to the design, which allows claimants access to all their personal, medical, financial and other data. As a result, the claimant 'holds the key' to that account at all times.

Running a system other than that based on explicit consent in Universal Credit means that the risk of disclosure of this material to third parties is heightened beyond an

acceptable level and might also undermine some of the other security features we build into the system through personal accreditation.

This will become increasingly important as the size of the system increases over the coming years, supporting over 6.5 million claimants when fully rolled out, and as other new DWP digital services develop.

Where explicit consent is needed it can be quickly given in different ways, such as in person, over the phone, or via their online journal. This is a far simpler and more straightforward process than in legacy systems. Once consent is given, advisers will work with the claimant's representatives.

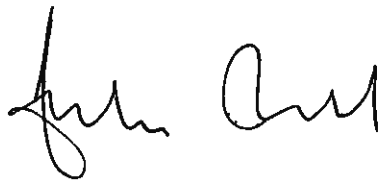
The emphasis here is not to hinder people receiving support to help them make and manage their claim, but making sure we protect a claimant's personal data and other information.

As you have noted, the Department did not incorporate alternative enquiry into the new system. Whilst alternative enquiry is data protection literate, the legacy system is a very different service. Universal Credit is fully online, meaning most of the information a third party will need is available via the claimant's online account. The Department believes it should therefore be the claimant's choice whether they share this quantity of personal information. As the legacy system is not primarily one big digital service drawing together a number of benefits, alternative enquiry is a suitable way to assume consent in this case; the same cannot be said of Universal Credit.

It is also worth noting that, although Universal Credit begins from a position of explicit consent, it is very clear that there are exceptions to this, especially when it is in the best interests of the public or where it is clear that a claimant with complex needs, for example, faces clear and significant risks to their welfare or safety.

I hope you find this information helpful and reassuring.

Best wishes,

A handwritten signature in black ink, appearing to read 'Amber Rudd', written in a cursive style.

**The Rt Hon Amber Rudd MP**

**SECRETARY OF STATE FOR WORK AND PENSIONS**