Dear Frank,

Thank you for your letter dated 18 September 2019 regarding the use of Kofax Software by this Department. Please find the answers to your questions below.

1. *During the period before documents are destroyed because they are ephemeral, will any staff member read the document?*

   Ephemeral documents are available for case managers to read and action by scanned image before being destroyed.

2. *Who in the organisation decides what is “ephemeral” and what is not?*

   Ephemeral classification of documents was determined based on the policies relevant to the benefit or service being claimed.

3. *When the physical copy of an “ephemeral” document is destroyed, does a digital copy survive, and is a note of what “ephemeral” documents have been deleted kept?*

   Digital copies of ephemeral documents are destroyed 4 weeks after receiving a disposition trigger from the relevant benefit area. No digital record is kept of ephemeral documents that have been deleted.

4. *Why was the policy to delete and destroy “ephemeral” documents adopted in the first place? Is it an issue of IT or physical storage?*

   Ephemeral classification and retention of documents was determined by the policies relevant to the benefit or service being claimed not IT capacity or physical storage. Supporting and Ephemeral document disposition was in place when document retention was also wholly clerical and continued when documentation was digitalised. In order for DWP to meet its legal requirements under the General Data Protection Legislation (GDPR) (and previously Data Protection Act) DWP only retains information that it considers
adequate, relevant and limited to what is necessary (Article 5(c)).

5. **Was alternative advice sought on whether the IT system shouldn’t be able to store everything for life?**

As per the answer to question 4 above, ephemeral classification and retention of documents was determined by the policies relevant to the benefit or service being claimed not IT capacity or physical storage. GDPR/Data Protection prevents DWP retaining all personal information for life.

6. **How can the department keep abreast of a claimants changing life circumstances if the documents keep being deleted?**

The Department relies on claimants notifying us of any changing life circumstances. Documents relating to changes notified by a claimant which support a decision are retained and categorised as supporting documents. Any ephemeral documents which do not support a decision or do not affect entitlement or payability are retained for 4 weeks and then destroyed. In addition, some benefit areas also have a proactive process to review whether claimants have any changing life circumstances on their claim.

As described previously, documents are categorised as Ephemeral or Supporting depending on the need to retain the information based on policy which ensures that DWP only retains what it needs to retain and for how long it needs to retain it. To ensure DWP meets the principles laid out in the GDPR, Article 5 and therefore our obligations under the legislation we publish our Personal Information Charter on Gov.uk which advises the public how long we retain personal information for. DWP has a retention policy that supports the requirements of GDPR.

7. **What is the timeframe for deletion of ephemeral documents for each benefit?**

Physical ephemeral documents are destroyed 4 weeks after being scanned and indexed into the respective DWP systems.

Digitalised ephemeral documents are deleted 4 weeks after receiving a disposition trigger from the respective business area.

8. **Can the Kofax Capture software detect handwritten notes?**

Kofax Capture Software can detect handwritten information.

9. **Would those handwritten notes that slip through the scanning process or are marked “ephemeral” be read?**

Handwritten notes received in the Mail Opening Unit do not slip through the scanning and indexing process. Documentation received in the Mail Opening Unit is routed to the correct part of the Department and subsequently read and processed. This process happens whether the document is ephemeral or not.
10. Is it possible for ephemeral documents to be deleted before an application has been read by the decision maker?

Documents received are scanned and a notification is set for each item of mail for the relevant part of the Department. The case manager has to access and action each notification. The documents are categorised into supporting or ephemeral dependent on the relevant benefit policy. Supporting documents which contain information to support a decision made by a decision maker are retained. Ephemeral documents which do not support a decision or do not affect entitlement or payability are destroyed 4 weeks after receiving a disposition trigger set by the case manager.

I hope you find this response helpful.

BARONESS STEDMAN-SCOTT

MINISTER FOR WORK AND PENSIONS (LORDS)