



National Audit Office

The UK's independent public spending
watchdog

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Reference FOI- 1553

Date 8 November 2022

ICT AND SAN CONTRACTS AT NAO

Thank you for your request of 12 October 2022 for information about the National Audit Office's (NAO) ICT and SAN contracts.

Your request is being handled under the terms of the Freedom of Information Act 2000 (FOIA).

The specific information you requested is set out in the Excel spreadsheet attached to this letter's cover email, along with our response and the information that we hold in scope of your request.

We have withheld certain information under the section 31(1)(a) (law enforcement) and section 40(2) (personal information) exemptions of the FOIA. Details of these exemptions and how they apply to your request can be found at Annex A.

Annex B sets out the steps you may wish to take if you are not satisfied with the way we have handled your request for information under the FOIA.

We hope you find this response helpful.

Yours sincerely,

NAO FOI Team



Annex A

This annex sets out the exemptions that we have applied to your request.

Section 31(1)(a), Freedom of Information Act 2000 – Law enforcement

Section 31(1)(a) of the FOIA provides that:

(1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice—

(a) the prevention or detection of crime.

Reasons why we have applied this exemption

The NAO receives sensitive, personal and confidential information from government and other third parties through the audit process. Maintaining the security of information that has been provided to the NAO in confidence is extremely important.

Given the NAO's critical role helping to hold government to account, it faces persistent and evolving cyber threats. Cyber-attacks are rated as a Tier 1 threat by the UK Government. Cyber-attacks may amount to criminal offences, for example under the Computer Misuse Act 1990 or the Data Protection Act 1998.

Releasing the number of physical and virtual servers would compromise integrity of our IT systems. If hackers were aware of the number of NAO's servers, it would be easier for them to overload the servers and do Architecture mapping on the servers. In addition, when combined with other intelligence about the NAO's IT systems, gathered lawfully or not, this information would be valuable to determined attackers. It would provide an attacker with insight into the NAO's security posture and level of resilience.

Finally, if information were disclosed that suggested the NAO's IT systems were vulnerable to attack, government and other third parties would be reluctant to engage in a full and frank exchange of information and views with us. This would delay and diminish the audit process.

We have therefore applied the section 31(1)(a) exemption to the number of the NAO's physical and virtual servers.

Public interest test

The exemption at section 31(1)(a) is subject to the public interest test set out in section 2(2)(b) FOIA. This requires the NAO to consider whether there are any public interest factors in favour of disclosure that outweigh the harm identified above.

We consider that there is a general public interest in disclosure of information that would promote transparency of the NAO's spending. This includes information about the NAO's ICT and SAN contracts.

However, we do not consider that this interest is sufficiently strong to outweigh the substantial interest in maintaining the integrity of the NAO's IT systems and ultimately the audit process.

Section 40, Freedom of Information Act 2000 – Personal information

Section 40, paragraphs 1-4, of the Freedom of Information Act 2000 (FOIA) provides that:

(1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.

(2) Any information to which a request for information relates is also exempt information if—

(a) it constitutes personal data which does not fall within subsection (1), and

(b) the first, second or third condition below is satisfied.

(3A) The first condition is that the disclosure of the information to a member of the public otherwise than under this Act—

(a) would contravene any of the data protection principles, or

(b) would do so if the exemptions in section 24(1) of the Data Protection Act 2018 (manual unstructured data held by public authorities) were disregarded.

(3B) The second condition is that the disclosure of the information to a member of the public otherwise than under this Act would contravene Article 21 of the GDPR (general processing: right to object to processing).

(4A) The third condition is that—

(a) on a request under Article 15(1) of the GDPR (general processing: right of access by the data subject) for access to personal data, the information would be withheld in reliance on provision made by or under section 15, 16 or 26 of, or Schedule 2, 3 or 4 to, the Data Protection Act 2018, or

(b) on a request under section 45(1)(b) of that Act (law enforcement processing: right of access by the data subject), the information would be withheld in reliance on subsection (4) of that section.

Reasons why we have applied this exemption

We are not obliged, under Section 40(2) of the FOIA to provide personal information that is the personal information of another person if releasing it would contravene any of the provisions of the Data Protection Act 2018.

In this instance we believe the release of the direct contact details of individual National Audit Office officers would contravene the first data protection principle which is that the processing of personal data must be lawful, fair and transparent. Processing in this context includes disclosure and therefore we consider section 40(2) is engaged.

In this instance we do not believe it would be fair to the individual officers to disclose this personal information.

This exemption is absolute and is not subject to the public interest test.

Annex B

Statement of Policy

Our policy is to respond to requests made under the Freedom of Information Act 2000 as helpfully and promptly as possible, having regard to the principles set out in the Act. I therefore hope you are happy with the way we have handled your request. If you are not, then you should take the following steps.

In the first instance, within 40 working days, write to the National Audit Office Freedom of Information (FOI) Team at FOI.requests@nao.org.uk or by post to:

FOI Team, Green 2, National Audit Office, 157-197 Buckingham Palace Road, London, SW1W 9SP

The Head of FOI will arrange a review, which will be conducted by a senior member of staff who was not involved in decisions relating to your original request. Once the review has been completed, we will write informing you of the outcome.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

<https://ico.org.uk/>

or

Information Commissioner's Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF