



National Audit Office

The UK's independent public spending watchdog

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IPSA INCOMINGS AND OUTGOINGS

Thank you for your request of 4 May 2022 – you requested an itemised list of the Independent Parliamentary Standard Authority's individual incomings and outgoings greater than or equal to £50,000 during the period of 1 March 2017 to 7 April 2018.

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

The specific information you requested is set out at Annex A, where we also provide our full response. While we hold some limited information in scope of your request, we consider it to be exempt from disclosure under Section 33 (public audit functions) and Section 40 (personal data) of the FOIA. Annex B explains these exemptions and how they apply to your request, and our consideration of the Public Interest Test in relation to the S.33. exemption

We are sorry that we are unable to help you on this occasion. Annex C 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.

Yours sincerely

NAO FOI team

Annex A

Request for information on IPSA's incoming and outgoings

(Your request in italics, NAO response in plain text)

May I instead please request just an itemized list of all individual incomings and outgoings respectively during the same period of 1st March 2017 to 7th April 2018 inclusive (with the corresponding date for each transaction included) that were in any specific instance for anything equal to or greater than 50,000 (fifty thousand) pounds sterling?

If anyone who paid or received said money was a data subject so this would be personal data then please redact that. But if the incoming or outgoing source was to a corporate body or unincorporated body/non-human that was not a data subject then please include the name of said body, entity or organization.

I'd imagine there were not many singular transactions, either outgoing or incoming, above that amount during the specified period so this should not take you much time. Nor would it prejudice the audit functions under Section 33 or stop the IPSA from sending you bank statements in the future.

Can you also please state how you would otherwise be able to audit the IPSA if they refused to send you their bank statements? And explain why they can legally refuse to send you their bank statements? Are fully transparent NAO audits not compulsory for the IPSA and if so why is this?

I am very much open to hearing any suggestions regarding different requests which you will accept if necessary. I believe you should have made such suggestions in your response to my previous request. I look forward to your response within 20 working days.

NAO response

We do not hold an itemised list of all individual incomings and outgoings for the Independent Parliamentary Standards Authority (IPSA) during the period 1 March 2017 to 7 April 2018. A full year of transaction data or a list of incomings and goings, was not required to be retained to support the audit opinion the Comptroller and Auditor General expressed on IPSA's financial statements, for the year ended 31 March 2018, and the year ended 31 March 2019. The NAO's Statement on the Management of Personal Data can be viewed here: <https://www.nao.org.uk/wp-content/uploads/2018/10/Statement-on-management-of-personal-data.pdf>

A search of our records did however confirm that we hold limited information that would fall within the scope of your request.

For the time-period 1 March 2017 to 7 April 2018, we hold four of IPSA's bank statements covering the months of March 2017, April 2017, March 2018, and April 2018. These statements include incomings and outgoings above £50,000.

We consider the four bank statements we hold to be exempt from disclosure under Section 33 (public audit functions) and Section 40 (personal data) of the FOIA. We outline the reasons for why we have applied these exemptions within Annex B.

In this instance, we are not able to suggest an alternative request for you to submit to the NAO. You may however find the following useful:

- IPSA publishes details of all contracts worth £25,000 and any supplier with whom its total annual spend exceeds £25,000 (by each financial year). <https://www.theipsa.org.uk/publications/ipsas-operational-costs>
- IPSA publishes data on the staffing and business costs of Members of Parliament by financial year and this information can be accessed here: <https://www.theipsa.org.uk/mp-staffing-business-costs/annual-publications>

You may also wish to consider requesting information on IPSA's incomings and outgoings direct from IPSA. Freedom of information requests can be submitted direct to IPSA by emailing FOI@theipsa.org.uk.

Annex B

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

Section 33 Freedom of Information Act 2000 – Public Audit

Section 33 of the Freedom of Information Act 2000 (FOIA) provides that:

33.-(1) This section applies to any public authority which has functions in relation to—

(a) the audit of the accounts of other public authorities, or

(b) the examination of the economy, efficiency and effectiveness with which other public authorities use their resources in discharging their functions.

(2) Information held by a public authority to which this section applies is exempt information if its disclosure would, or would be likely to, prejudice the exercise of any of the authority's functions in relation to any of the matters referred to in subsection (1).

(3) The duty to confirm or deny does not arise in relation to a public authority to which this section applies if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice the exercise of any of the authority's functions in relation to any of the matters referred to in subsection (1).

Reasons why we have applied this exemption:

The National Audit Office (NAO) is a public body for the purposes of Section 33 and has received information sought by this request in the exercise of functions falling within Section 33(1).

We have applied the Section 33 exemption to information we hold in scope of your request and which we are withholding from release – namely the four IPSA bank statements. The financial year-end bank statements are used to support our financial audit of IPSA's annual accounts, which requires the bank statement showing the year-end balance to be held on the audit file. We also utilised the post-year end (April) bank statements for evidencing our testing of the completeness of income, expenditure, receivables and payables.

We have applied this exemption because we consider it is critically important to an effective audit process. It enables us to gather information and knowledge and engage in a free and frank way with audited bodies as we carry out our audits. Much of the information we obtain is volunteered to us by the bodies and people we engage with, and we consider our work would be less collaborative, more inhibited, and so less effective if people thought audit information would be released subsequently.

We believe that were we to release this information, IPSA would be reluctant to share bank statements or other transactional datasets with the NAO in electronic format going forwards. This would undermine the efficiency of the audit and our ability to conduct appropriate first and second stage reviews of audit work, for example if in future we were only able to view hard copies of such information on-site at IPSA's premises. Furthermore, releasing the information would damage our working relationship with government. This would be likely to impact adversely on the conduct, cost and effectiveness of public audit. Therefore, we consider that disclosure of this information would be likely to prejudice the exercise of the NAO's functions as set out in the National Audit Act 1983. For this reason, we have applied the public audit exemption available under Section 33(2) of FOIA.

Reasons why the public interest in maintaining the exclusion outweighs the public interest in disclosing the information in this case:

The NAO is independent of government and scrutinises public spending on behalf of Parliament. Our work serves the public interest by helping Parliament hold government to account, providing transparency on matters of public interest and driving improvement in the use of public resources.

We recognise that there is a public interest in knowing that the use of public money is subject to appropriate levels of accountability and transparency, delivered through an effective audit function. However, we consider

that disclosure of sensitive audit evidence supplied to the NAO by departments in pursuit of our statutory functions and beyond that published in our reports, would impair the audit process for the reasons set out above. Departments would be reluctant to engage with us which would delay and diminish the audit process.

In this instance the information was used to inform our financial audit of IPSA's annual accounts, which are published on IPSA's website: [Annual reports & accounts | IPSA \(theipsa.org.uk\)](https://www.theipsa.org.uk/annual-reports-accounts). In addition, IPSA publishes much of its financial information on its website: [Publications | IPSA \(theipsa.org.uk\)](https://www.theipsa.org.uk/publications).

The NAO's work puts information into the public domain and helps Parliament hold government to account. In our view, the balance of public interest rests with the NAO being able to deliver an effective and efficient public audit function and report our findings to the public.

Consequently, given the negative impact that would result from disclosure, we consider it appropriate to maintain the Section 33 public audit exemption.

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 some of the information held in bank statements, including individual incoming and outgoing amounts greater than or equal to £50,000, constitutes the personal data of other individuals, including that of other companies and organisations. Even if we were to redact identifying information, such as names, it may be possible to identify individuals, companies and organisations from other information that is published and in the public domain. We believe that to release any of the information contained in the bank statements 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.

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

Annex C

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