



National Audit Office

The UK's independent public spending  
watchdog

Switchboard +44 (0)207 798 7000  
Direct Line +44 (0)207 798 7264  
Email [FOI@nao.org.uk](mailto:FOI@nao.org.uk)

Reference FOI-1607 & FOI-1612  
Date 22 May 2023

## TRACK AND TRACE APP

Thank you for your two FOI requests to the NAO dated 20 April 2023 and 30 April 2023. Your requests have been handled under the terms of the Freedom of Information Act 2000 (FOIA). Your specific requests are set out at **Annex A**.

Your requests refer to the "Track and Trace app". We have interpreted this to mean the COVID-19 app which was used to notify individuals if they had been in close proximity to someone testing positive for COVID-19 (and not the separate NHS app which allowed individuals to view and share their COVID-19 vaccination status).

Our assessment is that the broad and extensive nature of your two requests mean that it would be disproportionately costly for us to attempt to compile the information you have requested, as it would require us to search our records for any reference to the app. For this reason, we have applied Section 12 of the FOIA which allows a public authority to refuse a request if the cost of providing the information to the applicant would exceed the 'appropriate limit' as defined by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. **Annex B** provides details of the Section 12 exemption and explains how it applies to both your requests.

I hope the information helps to explain why we cannot provide you with the information you are requesting. **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

### FOI-1607

*"I would very much like to be sent copies of any & all documents & accounts that pertain to the Track & Trace app. As I understand it, the amount of money spent on the "Track & Trace" app was £37,000,000,000.*

- I would like to see how the development of the app was priced,*
- Which companies bid for the project, their prices and, of course, a*
- breakdown of costs, from each of the companies who bid for the work*
- A work schedule for the development of the app.*
- Any correspondence (in any form involving anyone) between the contracted App Developer and the government. Kindly, be certain to include all correspondence pertaining to the contracted App Developer's inability to bring the app to market, what efforts had been made to make it work and all correspondence (both ways)*
- Please include all payments & transfers with the time & dates of said payments.*
- Kindly, make sure that all documents are time & date stamped*
- specific details about the contracted App Developer*
- All documents pertaining to the due diligence process*
- Copies of all correspondence (between any government personnel, spokesperson, agency of third party representatives and the contracted App Developer*
- Could you send them in the same order that they're currently organise in?"*

### FOI-1612

*"I would like to request any accounts (money/cash transfers) pertaining to the Track and Trace app"*

## Annex B

### Refusal Notice – Section 12 Freedom of Information Act 2000 (FOIA)

Section 12 of the FOIA allows a public authority to refuse a request if the cost of providing the information to the applicant would exceed the 'appropriate limit' as defined by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004:

The Regulations provide that the appropriate limit to be applied to requests received by public authorities is £450. For the purposes of the estimate the costs of performing these activities should be estimated at a rate of £25 per hour. This is therefore equivalent to 18 hours work.

In estimating the cost of complying with a request for information, a public body can only take into account any reasonable costs incurred in:

- (a) determining whether it holds the information,
- (b) locating the information, or a document which may contain the information,
- (c) retrieving the information, or a document which may contain the information, and
- (d) extracting the information from a document containing it.

Taking the first part of request **FOI-1607**; '*any & all documents & accounts that pertain to the Track & Trace app*' will encompass any documents that relate to the COVID-19 app. To consider properly your request we would need to search files relating to our reports on the NHS Test and Trace service, our audit files for the Department of Health and Social Care and UK Health Security Agency, and the email folders and shared storage areas of anyone who worked on these reports and audits during the relevant period of the app.

There are hundreds of potential files that will need to be reviewed to determine if they are in scope of the request. For our two value-for-money reports on test and trace alone, our estimate is that around 700 items are in scope. We estimate that to review and extract any relevant information, solely for these studies, would take approximately 26 hours, well in excess of the Section 12 limit. This estimate also does not include the work that would be needed to search our financial audit or other relevant report files.

**FOI-1612** is more specific in that it asks for any accounts pertaining to the app (although this information also falls within the scope of **FOI-1607**). However, in order to identify this information, it would still be necessary to perform the extensive work identified above.

The Regulations provide that when a public authority is estimating whether the appropriate limit is likely to be exceeded, it can include the costs of complying with two or more requests if they are:

- a. made by one person, or by different persons who appear to
- b. made for the same or similar information; and
- c. received by the public authority within any period of 60 consecutive working days.

In addition, FOIA best practice advises that we should not determine which elements of your requests we should try and process within the limit as this denies you the right to express a preference as to which part or parts of your request(s) you may wish us to focus on. We are therefore refusing both requests under section 12 of the Freedom of Information Act 2000.

By way of advice and assistance, it may help if I explain that many of the documents you are interested in obtaining are not ones that the NAO would routinely see in the course of our audits. We are therefore unlikely to hold documents on the development of the app, procurement information about the companies that bid for or carried out app-related work, background information about those companies or detailed correspondence between the government and companies involved in the app.

The Department of Health and Social Care (of which both NHSX and NHS Test & Trace were part), and the UK Health Security Agency are the owners of the information you have requested and while we will respond to information requests and associated queries, we believe DHSC and UKHSA are better placed to do so. If you have not already done so, you may wish to submit information requests to these organisations. You can contact them at:

[dhsc.publicenquiries@dhsc.gov.uk](mailto:dhsc.publicenquiries@dhsc.gov.uk)

[InformationRights@UKHSA.gov.uk](mailto:InformationRights@UKHSA.gov.uk)

You may also find details of relevant contracts relating to the COVID-19 app in the public domain at: [Contracts Finder](#).

Alternatively, if you want to submit a refined request taking account of the information we have provided in this response and our previous reply to your correspondence from Tim Phillips, we may be able to answer it within the section 12 limit.

## **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](mailto: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