



National Audit Office

The UK's independent public spending
watchdog

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PROCUREMENT PROCESS FOR MEDIA MONITORING AND DISTRIBUTION

Thank you for your request of 20 July 2023 for information relating to the procurement process for Media monitoring and distribution ITT (Ref: CPT_23_37).

Your specific request is set out at **Annex A**, along with our formal response. Your request is being handled under the terms of the Freedom of Information Act 2000 (FOIA).

While we do hold some information in scope of your request, having considered it, we consider the information to be exempt under Section 12 of the FOIA, due to the cost of complying with the request as it is currently scoped. Details of this exemption, and how it applies to your request can be found at **Annex B**.

We are sorry that we are unable to fulfil your request. **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 about 'The procurement process for Media monitoring and distribution ITT (Ref: CPT_23_37)

Freedom of Information Questions

(Your request is in italics)

1. *All internal communications, emails, details of meetings, meeting notes and records of conversations between the NAO communications team and the procurement team, including any other NAO staff members involved in this process, regarding this procurement process from 1 January 2023.*
2. *All internal communications, emails, details of meetings, meeting notes and records of conversations within the NAO communications team regarding this procurement process from 1 January 2023.*
3. *All internal communications, emails, details of meetings, meeting notes and records of conversations within the NAO procurement team regarding this procurement process from 1 January 2023.*
4. *All communications, emails, details of meetings, meeting notes and records of conversations between any member of NAO staff with any media intelligence supplier from 1 October 2022.*
5. *Details of any corporate hospitality or other assistance provided by media intelligence agencies to the NAO in the 12 months prior to today's date, and also to current NAO communications staff members who may have been employed during this period in receipt of corporate hospitality prior to joining NAO.*

I would like you to provide this information in the following format: Word or PDF documents.

NAO response

We consider the information you have requested in points 1 to 4 to be exempt from disclosure under section 12 of the FOIA for these reasons. There are seven people at the National Audit Office who have or are currently involved in the ongoing procurement exercise which you refer to in your request. To search for all the information you have requested, ***“emails, details of meetings, meeting notes and records of conversations between the NAO communications team and the procurement team, including any other NAO staff members involved in this process, regarding this procurement process from 1 January 2023”*** would take considerable time.

It would involve each individual staff member searching 1000's of emails over a seven month period to locate, retrieve and extract the specific details you have requested. The FOIA recognises that FOI requests can have a significant impact and burden on a public authority's resources, and therefore there is a cost limit for complying with a request set at £450 for all public authorities. This is calculated at the flat rate of £25 per person, per hour, and equates to 18 hours work.

In relation to your specific request, there are seven people involved in the procurement exercise, and therefore given the parameters you set for us to conduct the search, such an exercise would constitute a significant burden and easily exceed the cost limit for responding to FOI requests. As a result, we are refusing to disclose the information you have requested under section 12. Details of this exemption can be found at Annex B.

You may wish to submit a reframed, more focused request. We would be happy to consider any further request but would point out that we will treat any reformulated request as a new request and similar considerations and the application of any further appropriate exemptions will need to be considered.

With regards to point 5 of your FOI request, NAO staff have not received any corporate hospitality or other assistance from media intelligence agencies in the 12 months prior to receiving your FOI request. We do not hold information on corporate hospitality that NAO communications staff members may have received from media intelligence agencies prior to joining the NAO.

Annex B - sets out the exemption that we have applied to your request

Section 12 Freedom of Information Act 2000 (FOIA)

Section 12(1) – (4) are as follows:

12. — (1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

(2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.

(3) In subsections (1) and (2) “the appropriate limit” means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.

(4) The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority-

(a) by one person, or

(b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign,

the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.

Section 12 of the FOIA allows a public authority, such as the NAO, to refuse a request if the cost of complying with the request would exceed the ‘appropriate limit’ as defined by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

The Regulations stipulate that the appropriate limit to be applied to requests received by public authorities such as the NAO 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.

The section 12 exemption provides for a judgement to be made of whether the request will exceed the 18 hour threshold before any work is undertaken. To help us make this judgement we have estimated the time required to locate and retrieve the information you requested.

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 primary way of escalating your concerns to the Information Commissioner is at: www.ico.org.uk/foicomplaints. Alternatively, you can contact the ICO at [Contact us | ICO](#) or Information Commissioner’s Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF.