



National Audit Office

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## INCLUSIVE LEADERSHIP LEARNING OFFER - WINNING SUBMISSION DOCUMENT

Thank you for your request of 21 August 2024 for the winning technical submission document for the Inclusive Leadership Learning Offer tender. Your request has been handled under the terms of the Freedom of Information Act 2000 (FOIA).

Please find attached to this letter the winning technical submission document 'Annex – Bidders Response'. While the FOIA provides a legal right of access to recorded information held by a public authority, it can be subject to certain exemptions that may apply. We have decided to withhold certain information contained within the submission document namely 'Annex F – references' under *Section 43 - (Commercial Interests)* of the FOIA. The reason for this, and our consideration of the public interest test is explained below.

### Section 43 – Freedom of Information Act 2000 - commercial interests provides that:

- (1) Information is exempt information if it constitutes a trade secret.*
- (2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).*
- (3) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice the interests mentioned in subsection (2).*

We considered the prejudice to both the NAO and the bidder if we were to release their references, which includes the value and performance of the contract carried out. We assessed that disclosure of this information would affect the commercial interests of the parties involved.

### Reasons why the public interest in maintaining the exemption outweighs the public interest in disclosing the information:

The C&AG and the NAO are independent of government and scrutinise public spending on behalf of Parliament. Our work serves the public interest by putting factual information into the public domain - helping Parliament hold government to account, providing transparency on nationally important matters, driving public service improvements and better use of public funds.

We have provided most of the information requested, and only withheld highly sensitive information which could be useful to other contract competitors. We recognise that there is a strong public interest in authorities operating with openness and transparency, but the weight of the public interest needs to be balanced against the protection of commercial interests and competition. It would not be in the public interest for competitors to take advantage of sensitive contract information and cause detriment to other suppliers.



Our policy is to respond to requests as helpfully and promptly as possible. I therefore hope you are happy with the way we have handled your request. If you are not happy with this response, you can ask for an internal review within 40 working days by writing to the NAO FOI Team at [FOI@nao.org.uk](mailto:FOI@nao.org.uk) or by post to: FOI Team, Green 2, National Audit Office, 157-197 Buckingham Palace Road, London, SW1W 9SP.

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

Yours sincerely,

**NAO FOI Team**