



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)

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## NAO ICT CONTRACTS

Thank you for your request dated 11 November 2024 for information about the National Audit Office's (NAO) ICT contracts. Your request has been handled under the terms of the Freedom of Information Act 2000 (FOIA).

We have supplied our responses in an Excel spreadsheet attached with this letter. A small amount of information has been withheld under section 31(1)(a) (law enforcement) and section 40(2) (personal information) of the FOIA. The reasons for this and our consideration of the public interest test in relation to section 31(1)(a) are explained below.

### Reasons why we have applied section 31(1)(a):

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 in 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 the integrity of our IT systems. If hackers were aware of the number of NAO 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) of FOIA. This requires the NAO to consider whether the harm identified above outweighs the public interest in favour of disclosure. We consider that there is a public interest in disclosure of information that would promote

transparency of the NAO's spending. This includes information about the NAO's ICT 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.

**Reasons why we have applied section 40(2):**

We are not obliged, under section 40(2) of the FOIA, to provide personal information if releasing it would contravene the UK GDPR and Data Protection Act 2018. In this instance we believe the release of direct contact details of individual National Audit Office officers would contravene the first data protection principle which requires the processing of personal data to be lawful, fair and transparent. In this instance we do not believe it is necessary or fair to the individual officers to disclose this personal information. This exemption is absolute and is not subject to the public interest test.

I 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). 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**

## **Annex A**

### **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.*

### **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.*