



National Audit Office

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Reference FOI-1808

Date 09 April 2025

WHISTLEBLOWING AND SPEAK-UP ARRANGEMENTS

Thank you for your FOI request to the National Audit Office (NAO) dated 17 March. You asked for information about our internal whistleblowing and speak-up procedures. Your request has been considered under the terms of the Freedom of Information Act 2000 (FOIA).

We have checked our records and can confirm that we hold some of the information you requested. Your specific request is set out in **Annex A** where we have provided our response to each question.

Our policy is to respond to requests as helpfully and promptly as possible. I hope this information is helpful and 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. 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

Your FOI request is in italics with our response to each question below:

1. ***Does your department / organisation have a documented Whistleblowing / Speak up policy? If so, please provide copies of relevant policies in force during January 2020 - present. (If there has been no change to a policy during that time, it is fine to provide just one copy.)***

The NAO's whistleblowing policy is published on our external website here at the following link:
<https://www.nao.org.uk/corporate-information/nao-internal-whistleblowing-policy/>.

The previous version of the policy dated December 2019 is attached with this response. This was replaced by the current policy (dated April 2023) for which we have provided the link above.

We have redacted a small amount of personal information from the policies in accordance with s.40(2) of FOIA. Details of this exemption and how it applies to your request can be found in **Annex B**.

2. ***Does your department / organisation have a documented Whistleblowing / Speak up procedure (if not already in your policy)? If so, please provide copies of relevant policies in force during January 2020 - present. (If there has been no change to a policy during that time, it is fine to provide just one copy.)***

The procedure for raising a concern is documented in our whistleblowing policy (see above).

3. ***Does your department / organisation use an externally-managed, commercial whistleblowing / speak up service? Please provide details of the service used (e.g. Name, approximate date of implementation).***

We do not use an externally-managed, commercial whistleblowing / speak up service.

4. ***Since January 2020, has your department / organisation considered the use of externally-managed, commercial whistleblowing / speak up system? (This may be a project, proposal, request for procurement, internal goal-setting.) If so, please provide reasons for the decision to use or not to use such a service.***

We have not considered the use of an externally-managed, commercial whistleblowing / speak up system. As such, we hold no recorded information for this question.

Annex B

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

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 section 40(2):

We are not obliged, under section 40(2) of the FOIA, to provide personal information if releasing it would contravene any of the data protection principles. In this instance we believe the release of the names and email addresses of individual NAO staff would breach 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 individuals concerned to disclose their personal information.