



National Audit Office

Helping the nation spend wisely

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Room ELIZABETH 2  
Reference FOI-348  
Date 4 June 2009

Dear J Cassidy

**FOI 348: INFORMATION RELATING TO THE NATIONAL AUDIT OFFICE REPORT  
MANAGEMENT OF ASYLUM APPLICATIONS BY THE UK BORDER AGENCY**

I wrote to you on 28 April to provide a partial response to your Freedom of Information request of 22 February for information relating to the National Audit Office (NAO) report *Management of Asylum Applications by the UK Border Agency*. In my letter I told you that we were still considering where the public interest lay in relation to one further document we hold before deciding whether or not to release the information it contains. I am writing now to let you know the outcome of this.

In considering whether to release the information which is contained in a presentation by the Prime Minister's Delivery Unit (PMDU) on its evaluation of the implementation of end to end asylum case management, we have consulted with the PMDU. This is in accordance with point 27 of the Secretary of State for Constitutional Affairs' Code of Practice on the discharge of public authorities' functions under Part I of the Freedom of Information Act 2000 as issued under Section 45 of the Act.

We have concluded that this information is exempt from disclosure under section 33 (audit functions) of the Freedom of Information Act 2000. Details of this exemption, its application and our consideration of the public interest test can be found at Annex A.

Annex B sets out the steps you should take if you are not satisfied with the way in which we have handled your request.

Yours sincerely

**Julian Wood**  
Director, Corporate Affairs



Section 33 of the Freedom of Information Act 2000 provides that:

1. This exemption applies to any public authority which has functions in relation to-
  - a. the audit of the accounts of other public authorities, or
  - b. the examination of the economy, efficiency and effectiveness with which other public authorities use their resources in discharging their functions.
2. Information held by a public authority to which this section applies is exempt information if its disclosure would, or would be likely to, prejudice the exercise of any of the authority's functions in relation to any of the matters referred to in subsection (1).
3. The duty to confirm or deny does not arise in relation to a public authority to which this section applies if, or to the extent that, compliance with section 1(1) (b) would, or would be likely to, prejudice the exercise of any of the authority's functions in relation to any of the matters referred to in subsection (1).

**The exemption applies because:**

The information consists of confidential advice provided to the relevant government department, as part of a candid assessment of the associated government programme. The benefits of such reviews are dependent on them being based on a free and frank exchange of views within government. Disclosure would inhibit further comment, by hampering the ability of stakeholders to discuss issues frankly, and to record those discussions, and could undermine the effectiveness of the examination. Such reviews are also a valuable source of corroboratory evidence for the independent value for money reviews carried out by the NAO.

The NAO relies on open and effective relationships with audited bodies and audit third parties in order to carry out its functions effectively, including the ability to obtain candid information on the government's own internal assessment of the effectiveness of its programmes. The nature of this information and the basis on which it was provided are such that release of this information would impair the NAO's ability to communicate freely and frankly with audited bodies and audit third parties in the future about matters arising during the course of audits and in doing so would prejudice the audit function.

**Reasons why, as regards the exemptions which are not absolute, the public interest in maintaining the exclusion outweighs the public interest in disclosing the information in these cases:**

The NAO is of the view that the public interest in safeguarding relations with audited bodies and audit third parties, in order to obtain information on the basis of free and frank discussions so as to gain a better understanding of the issues addressed in the interests of maintaining an effective audit function, outweighs the general public interest in disclosure.

**Statement of Policy**

Our policy is to respond to requests made under the Freedom of Information Act 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 of information under the Freedom of Information Act. If you are not then you should take the following steps.

In the first instance, write to me asking for an internal review of the way we handled your request. I will arrange such 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 to you with 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:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF.