



HM Treasury

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Ref: R94/17

Dear Ms McNally

Freedom of Information Act 2000 Internal Review: Spend data

Thank you for your letter of 21 December 2017, requesting an internal review of our response to your Freedom of Information request of 10 November 2017, our reference: FOI2017/20066.

We have now completed our internal review and I am writing to inform you of its conclusions. The review was conducted by officials not involved with your original request.

Background

Your original request asked for the following information:

Thank you for publishing your spend data here:

<https://www.gov.uk/government/collections/25000-spend>. However, I notice that you haven't published any spending data since March.

I'd like to make a request under the Freedom of Information act for all transactions over £25,000 from April to September 2017. Please provide the data in a machine readable format (preferably csv). As a minimum, please make sure to include the date, value and recipient of each transaction. Please also provide details on the procurement category of each transaction if you have it.

Your team may also be interested in the guidance on producing spending data:

<https://www.gov.uk/government/publications/guidance-for-publishing-spend-over-25000>.

We confirmed that HM Treasury held information within the scope of your request. The information was withheld under the exemption at section 22 of the FOI Act, because the information was intended for publication. We accepted that there was a public interest in the data, however public authorities, such as the Treasury, must have space to be able to determine their own publication timetables and deal with the necessary preparation, administration and context of publication. The public interest therefore fell in favour of withholding at this stage.

We explained that we endeavour to publish spend data a month in arrears, however, although we made every effort to follow guidelines on publication of data, due to established and other administrative processes, at times delays were experienced in the publication of spend over £25000. In this case, HM Treasury had a new Financial reporting system and the reports required to extract the transparency datasets had only become available recently. The reports for April to November 2017 would be made available in due course on the gov.uk website.

<https://www.gov.uk/government/collections/25000-spend>

You requested an internal review as follows:

I am writing to request an internal review of Her Majesty's Treasury's handling of my FOI request 'April - Sept 2017 spend data'.

On the 10th of November 2017, I sent you an FOI request for your expenditure over £25,000 from April to September 2017.

On the 5th of December, you refused my request citing Section 22 of the FOI Act as grounds for an exemption.

However, the guidance for publishing spend data for government departments states: 2.10 Spend is to be published one month in arrears, ie by the last working day of the month following the month to which the data relates. If the data is available before the end of the month, it should be published as soon as the department has cleared it for release. This data is to be published in individual monthly files.

2.11 You should not hold up the publication of your data where you have unresolved individual queries. You should publish the cleared data within the publication timescales, and amend the data at a later date if necessary. See section 2.5 for further detail on applying redactions to the data.

Please see here for more details: <https://www.gov.uk/government/publications/guidance-for-publishing-spend-over-25000>.

This means that the data should already be published. For this reason, I would like to request an Internal Review of the initial response to my Freedom of Information request.

Please also take note of the attached decision notice from the ICO on the use of Section 22 of the FOI Act in these circumstances.

The Review

The review has carefully considered your request and has found that the section 22 exemption was correctly engaged for the information requested as the Treasury had a clear intention to publish the data in due course.

Section 22 is a qualified exemption and we are required to consider the public interest in early disclosure against publishing the information in the future. We recognise the public interest in transparency and openness and are committed to meeting transparency obligations with regard to the publication of spend over £25000. However, although we make every effort to follow guidelines on publication of data, as explained in our original response the Treasury has introduced a new Financial reporting system and the reports

required to extract the transparency datasets have only become available recently. The reports for April to November 2017 will be made available in due course on the GOV.UK website.

In this case the public interest in release is outweighed by the public interest in ensuring that verification procedures are followed and that data releases are accurate and robust. We therefore consider that the public interest lies in withholding the information.

Conclusion

I hope that by setting out the basis of the review, its findings and conclusions above, you will be assured that the Treasury has, on your behalf, carried out a thorough and considered review of the request you made and the responses that the Treasury gave under the FOI Act.

If you are not content with the outcome of this internal review you have the right to apply directly to the Information Commissioner for a decision. The Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow SK9 5AF or email: casework@ico.org.uk

Yours Sincerely

Correspondence and Information Rights Team Leader

