



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

J Taylor

By email:

request-788177-838921ef@whatdotheyknow.com

Reference FOI-1480

Date 20 October 2021

Dear J Taylor

PROCESSING OF YOUR PREVIOUS FOI REQUEST

Thank you for your request of 23 September 2021 for information about the National Audit Office's (NAO)'s processing of your previous Freedom of Information request (our ref: FOI-1474). You asked:

"Please can I make a new request for any recorded information related to the processing of FOI-1474."

Your request is being handled under the terms of the Freedom of Information Act 2000 (FOIA).

We can confirm that we hold information in scope of your request. The information consists of the request details screen from the database in which your request was logged, and internal emails between the NAO's FOI team, the Director of the relevant audit team who provided the information to answer your request, and other NAO staff involved in the processing of your request. We have not provided any communications that you have already received from the NAO (for example, the acknowledgement email and final response) as these are already accessible by you.

Please find the information we hold, attached. We have disclosed the names of two Directors who provided and reviewed the information for our response to your request, as well as the Director in overall charge of the Freedom of Information team at the NAO. We have redacted the names of more junior staff, or those who had no input into the processing of the request, under the section 40(2) (personal information) exemption of the FOIA. Your own personal data has also been redacted under section 40(1) of this exemption. Please see Annex A for details of this exemption and how it applies to your request.

I hope you find this response helpful. Annex B sets out the steps you may wish to take if you are not satisfied with the way we have handled your request for information under the FOIA.

Yours sincerely

NAO FOI team

Annex A

Details of the exemptions 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 this exemption

We are not obliged, under Section 40(2) of the FOIA to provide personal information that is the personal information of another person if releasing it would contravene any of the provisions of the Data Protection Act 2018. Section 40(1) covers personal data of which the applicant (you) is the data subject.

It is our policy not to release the names of NAO staff below Director level. While we have released the names of NAO staff at Director level and above where they provided and reviewed the information used to respond to your original FOI request, and the name of the Director responsible for the NAO's FOI team, names of other NAO staff have been redacted. The information to which we have applied the S.40(2) exemption consists of the names and/or direct contact details of various NAO officers copied in to the database in which your request was logged, and in emails exchanged internally as part of the processing of your request.

In this instance we believe the release of personal information would contravene the first data protection principle which is that the processing of personal data must be lawful, fair and transparent. Processing in this context includes disclosure and therefore we consider section 40(2) is engaged.

We do not believe it would be fair to individual NAO officers if we were to disclose their personal information, and so this has been withheld.

We are also mindful of the need to protect your own personal data (one instance of your name that appears in the record logged in our FOI database) and in compliance with FOIA this has been redacted under S.40(1).

This exemption is absolute and is not subject to the public interest test.

Annex B

Statement of Policy

Our policy is to respond to requests made under the Freedom of Information Act 2000 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. If you are not, then you should take the following steps.

In the first instance, within 40 working days, write to the National Audit Office Freedom of Information (FOI) Team at FOI.requests@nao.org.uk or by post* to:

FOI Team, Red 2, National Audit Office, 157-197 Buckingham Palace Road, London, SW1W 9SP

The Head of FOI will arrange 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 informing you of 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:

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

or

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

***Please note: due to the ongoing Coronavirus pandemic, some restrictions remain regarding staff access to our office premises. Hard copy post sent to our offices may be subject to delay.**