National Audit Office

The UK's independent public spending watchdog

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Reference FOI-1682
Date 22 January 2024

Dear

NAO CYBER SECURITY

Thank you for your request of 22 December 2023 for information about Cyber Security contracts that the National Audit Office (NAO) currently has in place. Your request has been handled under the terms of the Freedom of Information Act 2000 (FOIA).

Your specific request is set out in **Annex A** and we have supplied our responses in an Excel spreadsheet attached with this letter. We have withheld certain information under the section 31(1)(a) (law enforcement), and section 40(2) (personal information) of the FOIA. Details of these exemptions and how they apply to your request can be found in **Annex B.**

Annex C 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.

We hope you find this response helpful.

Yours sincerely,

NAO FOI Team

Annex A

(Your request is in italics below)

“I am currently embarking on a research project around Cyber Security and was hoping you could provide me with some contract information relating to following information:

1. Standard Firewall (Network) - Firewall service protects your corporate Network from unauthorised access and other Internet security threats

2. Anti-virus Software Application - Anti-virus software is a program or set of programs that are designed to prevent, search for, detect, and remove software viruses, and other malicious software like worms, trojans, adware, and more.

3. Microsoft Enterprise Agreement - is a volume licensing package offered by Microsoft.

The information I require is around the procurement side and we do not require any specifics (serial numbers, models, location) that could bring threat/harm to the organisation.

For each of the different types of cyber security services can you please provide me with:

1. Who is the existing supplier for this contract?

2. What does the organisation annually spend for each of the contracts?

3. What is the description of the services provided for each contract?

4. Primary Brand (ONLY APPLIES TO CONTRACT 1&2)

5. What is the expiry date of each contract?

6. What is the start date of each contract?

7. What is the contract duration of the contract?

8. The responsible contract officer for each of the contracts above? Full name, job title, contact number and direct email address.

9. Number of Licenses (ONLY APPLIES TO CONTRACT 3)”

Annex B

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

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.

Reasons why we have applied this exemption:

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 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 2018.

Releasing the supplier and brand of the software used to protect our digital infrastructure could compromise the integrity of our IT systems. If hackers were aware of the specific software's we have in place, it would be easier for them to try and find potential vulnerabilities to surpass those measures and attempt to breach our network. 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 section 31(1)(a) exemption to the supplier and brand of the Firewall and Anti-virus software used to protect our IT systems.

Public interest test:

The exemption at section 31(1)(a) is subject to the public interest test set out in section 2(2)(b) FOIA. This requires the NAO to consider whether there are any public interest factors in favour of disclosure that outweigh the harm identified above. We consider that there is a general public interest in disclosure of information that would promote transparency of the NAO's spending. This includes information about the NAO's IT contracts. However, we do not consider that this interest is sufficiently strong enough to outweigh the substantial interest in maintaining the integrity of the NAO's IT systems and ultimately the audit process.

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 if releasing it would contravene any of the provisions of the Data Protection Act 2018. In this instance we believe the release of the direct contact details of individual National Audit Office officers 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. In this instance we do not believe it would be fair to the individual officers to disclose this personal information. This exemption is absolute and is not subject to the public interest test.

Annex C

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, Green 2, National Audit Office, 157-197 Buckingham Palace Road, London, SW1W 9SP.

The FOI and Correspondence Manager 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 primary way of escalating your concerns to the Information Commissioner is at: www.ico.org.uk/foicomplaints. Alternatively, you can contact the ICO at Contact us | ICO or Information Commissioner's Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF.