



National Audit Office

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Reference FOI-1733

Date 09 August 2024

NAO REPORT ON AI USE IN GOVERNMENT

Thank you for your request of 11 July 2024 for information relating to the NAO report [Use of artificial intelligence in government - NAO report](#). Your request has been handled under the terms of the Freedom of Information Act 2000 (FOIA)

The Freedom of Information Act (FOIA) provides a legal right of access to recorded information held by a public authority, but it is subject to certain exemptions that may apply. We hold some information which falls within the scope of your request, but we consider that information to be exempt from disclosure in accordance with **Sections 33** (public audit functions) of FOIA.

If you have not already done so, you may find further helpful information in Appendix one of our report on [Use of artificial intelligence in government](#) (page 47). This further explains our audit approach, and the methods used to collate our evidence.

Your specific request has been reproduced in **Annex A** for your reference. **Annex B** provides a full explanation of the exemption, how it applies to your request and our consideration of the public interest test.

I am sorry that we are not able to share the information with you. **Annex C** sets out the steps you can take if you are not satisfied with the way we have handled your request under the FOIA.

Yours sincerely,

NAO FOI Officer

Annex A

Request for information about the NAO report on 'AI use in Government': (Your request is in italics below)

Colleagues,

I'm requesting under the Freedom of Information Act:

On 15 March 2024, the [NAO issued a report on AI in government](#).

In the report itself you find (wording from the NAO itself):

- Our survey of government bodies found that AI was not yet widely used across government, but 70% of respondents were piloting and planning AI use cases.*
- In 2023, CDDO carried out indicative analysis to identify potential productivity gains across the civil service and wider public sector. It identified that almost a third of tasks in the civil service (those that it defined as routine) could be automated. It did not examine the feasibility of delivering these productivity gains or make an assessment of cost.*

I would like a copy of the survey referred to above and the correspondence from the CDDO in relation to the claim that it identified that almost a third of tasks in the civil service (those that it defined as routine) could be automated

I would like the information to be emailed to me in electronic form please to

If you have any questions relating to the above, please call me on

I remind you that under the Freedom of Information Act 2000 you are required to advise and assist requesters. If any of this information is already in the public domain, please can you direct me to it, with page references and URLs if necessary.

If my request is denied in whole or in part, I ask that you justify all deletions by reference to specific exemptions of the Act.

I would be grateful if you could confirm in writing that you have received this request. I look forward to your response within 20 working days as outlined by the statute.

Thank you for your help.

Annex B

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

Section 33 Freedom of Information Act 2000 – Public Audit

Section 33 of the FOIA provides that:

(1) This section 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).

Reasons why we have applied the Section 33 exemption:

We have applied Section 33 exemption to the information we hold which falls within the scope of your request. This includes a copy of the survey completed by government bodies for the purpose of the NAO report on AI use in Government, and any correspondence from CDDO in relation to the claim that 'almost a third of tasks in the civil service (those defined as routine) could be automated'. Government bodies completed the survey in confidence, on the understanding that it would not be shared beyond the NAO, and on the basis that the report would publish aggregate responses only.

Due to our audit function and the work that we produce, we significantly rely on audited bodies or third-party entities responding promptly to information requests and/or volunteering information to support a constructive, timely and effective audit and value for money investigation. Disclosure by the NAO of sensitive information beyond that required for audit reporting purposes would impair the provision of audit information in the future, and would reduce, if not cut off, critical information flows.

Therefore, we believe disclosing the information you have requested would be likely to prejudice the effective performance of our public audit functions going forward and may compromise our ability to provide transparent and timely insights from surveys carried out on government bodies such as this in the future. For this reason, we have applied Section 33 exemption to the second part of your request.

I should emphasise that it is critically important that we have a safe space to gather information and knowledge and can engage in a free and frank way with audited bodies. The potential release of the information you have requested would remove this safe space - precipitating a backdrop of increased challenge and procedure around requests for audit information. This would require the NAO to formally assert our statutory access rights more frequently and potentially seek to enforce them, leading to significant delay, escalation of issues and increased audit costs.

Section 17(3) of the Budget Responsibility and National Audit Act 2011 places a duty on the C&AG to “aim to carry out functions effectively and cost effectively”. Given the above factors, we consider that our disclosure of the information requested would be at odds with this statutory requirement – it would serve to undermine the effectiveness and increase the cost of the C&AG’s public audit functions.

For the reasons set out above, we consider it appropriate to apply the public audit exemption available under Section 33(2) of the FOIA.

Reasons why the public interest in maintaining the exclusion outweighs the public interest in disclosing the information in this case:

The NAO is independent of government and scrutinises public spending on behalf of Parliament. Our work serves the public interest by providing transparency on matters of public interest and driving improvement in the use of public resources.

We recognise there is a public interest in knowing the use of public money is subject to appropriate levels of accountability and transparency. However, we consider the disclosure of the specific information we have withheld would be likely to reduce the effectiveness of the audit process for the reasons set out above. By carrying out the survey and achieving a very high response rate from government bodies, we were able to put valuable aggregate information into the public domain and provide a landscape view on the use of AI in government at a point in time.

The NAO’s work helps Parliament hold government to account, and in our view, the balance of public interest rests with the NAO being able to deliver an effective and efficient public audit function and report our findings in public. Consequently, given the negative impact that would result from disclosure, we consider it appropriate to maintain the Section 33 public audit exemption.

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@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 <https://ico.org.uk/> or Information Commissioner’s Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF.