



National Audit Office

The UK's independent public spending
watchdog

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Reference FOI-1747

Date 13 September 2024

NAO MOBILE PHONE CONTRACTS

Thank you for your request of 3rd September 2024 for information relating to mobile phone contracts held by the National Audit Office (NAO). Your request has been handled under the terms of the Freedom of Information Act 2000 (FOIA). We have searched our records and can confirm that we hold information within the scope of your request, our responses have been provided in an excel spreadsheet attached to this letter.

We have withheld certain information under section 40(2) – Personal Information of the FOIA. Details of this exemption and how they apply can be found under **Annex A** of this letter.

Our policy is to respond to requests as helpfully and promptly as possible. I therefore hope you are happy with the way we have handled your request. If you are not happy with this response, you can ask for an internal review within 40 working days by writing to the NAO 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

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

Yours sincerely,

NAO FOI Team



Annex A

This annex sets out the exemptions that 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 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.