

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date 26 March 2007

Public Authority: The National Audit Office
Address: 157 – 197 Buckingham Palace Road
London
SW1W 9SP

Summary

The complainant requested information regarding the source of figures found within a report produced by the public authority entitled “Modernising Construction 2000 – 2001”. In response the public authority provided the complainant with a copy of a spreadsheet which it said was the source of these figures. The complainant did not accept that this spreadsheet was the true source of the figures. On considering the complaint the Commissioner is satisfied that the public authority disclosed all of the information it held that fell within the scope of the complainant’s request. Consequently the Commissioner does not require the public authority to take any further action.

The Commissioner’s Role

1. The Commissioner’s duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the “Act”). This Notice sets out his decision.

The Request

2. On 24 July 2005 the complainant wrote to the public authority to request information related to figure 2 found on page 4 of a report produced by the authority entitled “Modernising Construction” (“the report”). The request read: “May I have a copy of the report, study, investigation, memorandum or other original documents that contains, concludes or recommends the percentages shown in the pie charts at figure 2?”
3. The public authority responded to this request on 17 August 2005 and provided the complainant with a copy of a spreadsheet that it said was the source for the percentages found in figure 2 of the report.

4. The complainant did not accept that this was the only information the public authority held in relation to his request and wrote to the authority to challenge the response he had received. The complainant did not accept that the figures in the spreadsheet were the true source of the percentages included in figure 2.
5. On 19 September 2005 the public authority wrote to the complainant explaining why the spreadsheet that had been disclosed was the only information it held that fell within the scope of the request.
6. The public authority confirmed that the "Benchmarking the Government Client Stage Two Study December 1999" was the source for the percentages included within figure 2 of the report and that it had been supplied with the spreadsheet by the Agile Construction Initiative at Bath University who were responsible for the Benchmarking the Government study. The public authority also said that it carried out additional work with Bath University in order to include the most up-to-date information and that this extra work accounted for the differences between the percentages in the spreadsheet and the percentages in figure 2 of the report.
7. On 25 September 2005 the complainant again wrote to the public authority to highlight what he perceived to be disparities between the percentages included within figure 2 of the report and the figures included within the spreadsheet and Benchmarking the Government Study.
8. On 11 November 2005 the public authority informed the complainant that no further information relating to the source of the percentages in figure 2 of the report was available and that there was no information available to support the "additional work" carried out by Bath University.
9. In later correspondence with the complainant the public authority acknowledged that "the information contained in Figure 2 was not supported by an adequate audit trail". The public authority also explained that "the data was subject to late revision in the light of advice from the authors".

The Investigation

Scope of the case

10. On 9 June 2006 the complainant contacted the Commissioner to complain about the way his request for information had been handled. He specifically complained that the public authority had not disclosed to him the "original and true source of information" for figure 2 of the report.

Chronology

11. On 16 October 2006 the Commissioner wrote to the public authority seeking further information regarding its handling of the complainant's information request.

12. The Commissioner specifically asked the public authority to:
 - Confirm what steps it took to search for the information requested by the complainant.
 - Clarify its statement regarding no audit trail existing for the extra work carried out by Bath University.
 - Confirm what steps it took to search for information related to the extra work carried out by Bath University.
13. The public authority responded to the Commissioner's investigation on 4 December 2006. It confirmed that the complainant's request was passed to the team responsible for drafting the report who conducted a search for electronic records and relevant files.
14. In response to the Commissioner's second and third questions the public authority confirmed that there is a difference between the percentages in figure 2 of the report and the percentages in the spreadsheet disclosed to the complainant. It said that the difference is a result of the fact that Bath University's work evolved over the lifetime of the report. It explained that it was notified of the change in the figure from that indicated in the spreadsheet by Bath University when it discussed the draft report with them shortly before its publication. The change was required in order that the report reflected the most up-to-date figures that were available. The public authority confirmed that the spreadsheet did not reflect the updated information which was supplied orally.
15. The public authority confirmed that a record any conversation with Bath University was not made except by way of amendments to the draft report.

Findings of fact

16. The spreadsheet was supplied to the public authority by Bath University.
17. Bath University was responsible for the Benchmarking the Government Study.
18. The public authority had previously supplied the complainant with a copy of the Benchmarking the Government Study.

Analysis

Procedural matters

18. Section 1(1) of the Act states that:

Any person making a request for information to a public authority is entitled –

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
- (b) if that is the case, to have that information communicated to him.
19. The Commissioner recognises that the source for figure 2 was the Benchmarking the Government study produced by Bath University and that the spreadsheet that was disclosed to the complainant formed part of this study.
20. The complainant has alleged that the percentages in the spreadsheet do not reflect the percentages included within figure 2 of the report. However the Commissioner accepts that any difference between these two set of percentages is a result of extra information provided by Bath University to ensure that the report included the most up-to-date information.
21. The public authority has claimed that this information was passed to the public authority orally. The Commissioner is satisfied with the public authority's explanation that this such practices are not uncommon and accepts that, without any evidence to the contrary, a record of the conversation with Bath University was not made.
22. The Commissioner is satisfied that the complainant has been supplied with all of the information that falls within the scope of his request.

The Decision

23. The Commissioner's decision is that the public authority dealt with the request for information in accordance with the Act.

Steps Required

24. The Commissioner requires no steps to be taken.

Other matters

25. Although they do not form part of this Decision Notice the Commissioner wishes to highlight the following matters of concern:

The public authority explained to the complainant that it had carried out additional work with Bath University to include the most up-to-date information within the Modernising Construction Report but that no audit trail existed for this work. The public authority has subsequently acknowledged to the Commissioner that Bath University may hold records to show how this most up-to-date information was calculated but that these records were not passed to the public authority.

26. The Commissioner fully recognises that the public authority informed the complainant that Bath University contributed to the Modernising Construction Report. However, the Commissioner feels that it may have helped the complainant to better understand the public authority's response to his request if it had explained that extra information, falling within the scope of his request, may be held by Bath University. In raising this matter the Commissioner has considered paragraphs 16 to 24 of the Code of Practice issued under section 45 of the Act.

Right of Appeal

27. Either party has the right to appeal against this Decision Notice to the Information Tribunal. Information about the appeals process may be obtained from:

Information Tribunal
Arnhem House Support Centre
PO Box 6987
Leicester
LE1 6ZX

Tel: 0845 600 0877
Fax: 0116 249 4253
Email: informationtribunal@dca.gsi.gov.uk

Any Notice of Appeal should be served on the Tribunal within 28 calendar days of the date on which this Decision Notice is served.

Dated the 26th day of March 2007

Signed

**Richard Thomas
Information Commissioner**

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