

27 October 2011

XXXXXXXXXX  
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XXXXXXXXXX

Dear XXXXXXXX

**Freedom of Information Request F0007740**

1. I am writing in response to your request for information received on 07 June 2011 made under the Freedom of Information Act 2000. You asked:

***(i). I would like a copy of all credit card statements for all government procurement cards since May 2009.***

***(ii). Please also provide a list of government procurement cards used by ministry staff, noting where they are kept and who is authorised to use each.***

***(iii). Please provide a copy of any guidance given to staff regarding the use of government procurement cards.***

2. We wrote to you on the 8<sup>th</sup> June 2011 to clarify your request. We advised that the Department only holds the statements on a 12 month rolling basis and asked you which parts of the Department you required the information from given that we have a central department and seven Executive Agencies. You agreed to limit your request to the 12 months available (June 2010 to May 2011) and that you would limit the scope of the request to just the Central Department.

3. Firstly I would like to apologise for the delay in responding to you. The Act requires us to reply promptly and in any event not later than the twentieth working day following the date of receipt of your information request. On this occasion we have failed to do that and I am sorry.

4. I confirm that the Department does hold the information you requested but has decided that some of this information cannot be disclosed for the reasons given below. The information that can be released is:

**a. Redacted monthly statements for government procurement cards held by the Department for Transport Centre (DfT(c)).** These statements cover the period June 2010 to May 2011 (addressing (i). above). We have redacted from these statements the authorised card holder names and the

names of the officials given as part of the ordering process of goods and services.

**b. Guidance regarding the use of government procurement cards issued to authorised users in DfT (c)** (addressing (iii).above). We have redacted the names of the contract managers from the card holder guidance.

5. We are unable to release the information “provide a list of government procurement cards used by ministry staff, noting where they are kept and who is authorised to use each” (addressing (ii) above).

6. This information is being withheld in reliance on the personal information exemption at section 40(2) & 40(3) of the Freedom of Information Act 2000 (the full section 40 wording from the Act is attached at Annex A). These individuals are not in public facing roles and have an expectation that their names will not be put into the public domain. It would therefore be unfair for us to disclose their names and would contravene the first data protection principle. Section 40 is an absolute exemption which means we are not required to carry out a public interest test.

7. The other information that has been redacted from the credit card statements detailed in paragraphs 4a and 4b above is:

- (i) the addresses where the statements are issued,
- (ii) the government procurement card numbers and
- (iii) the internal DfT reference numbers for ordering goods and services.

8. This information is being withheld in reliance on the exemption at section 31(1) (a) – ‘Law enforcement’ of the Freedom of Information Act 2000. We will not release the list of government procurement cards used by ministry staff, noting where they are kept and who is authorised to use them. Section 31 is a qualified exemption which means we are required to balance the public interest in withholding the information against the public interest in disclosure.

9. The attached Annex B to this letter sets out the exemption in full and details why the public interest test favours withholding the information.

10. The paper copies of the statements have been transferred into electronic format and are contained on the enclosed disc in .pdf format.

10. In keeping with the spirit and effect of the Freedom of Information Act, all information is assumed to be releasable to the public unless exempt. A copy of this response and the information provided may now be published on our website together with any related information that will provide a key to its wider context.

11. The Government Procurement Card (GPC) is not a credit card. It is a payment charge card that, when used in a well managed way allows public sector workers to pay for low value items in a controlled, secure and efficient way typically removing 95% of administrative effort.

12. GPC has rigorous financial control and cases of misuse must be reported. It is used to purchase essential, low-value goods and services and organisations are

able to apply their own financial controls on spending. Using GPC guarantees on-time payment to suppliers – this has been particularly beneficial for small and medium enterprises. GPC is a convenient, cost-effective and valuable contributor to efficiency targets. When used effectively GPC saves organisations money

13. If you are unhappy with the way the Department has handled your request or with the decisions made in relation to your request you may complain within two calendar months of the date of this letter by writing to the Department's Information Rights Unit at:

Zone D/04  
Ashdown House  
Sedlescombe Road North  
Hastings  
East Sussex TN37 7GA  
E-mail: FOI-Advice-Team-DFT@dft.gsi.gov.uk

14. Please see attached details of DfT's complaints procedure and your right to complain to the Information Commissioner.

15. If you have any queries about this email please contact XXXXXXXXXXXXXXXX  
Please remember to quote the reference number above in any future communications.

Yours sincerely

XXXXXXXXXXXXX

Direct Line: XXXXXXXXXXXXXXXX

Fax: XXXXXXXXXXXXXXXX

GTN No: XXXXXXXXXXXXXXXX

e-mail: XXXXXXXXXXXXXXXX

[www.dft.gov.uk/](http://www.dft.gov.uk/)

[www.dft.gov.uk/about/procurement](http://www.dft.gov.uk/about/procurement)

## **Your right to complain to [DfT/Agency] and the Information Commissioner**

You have the right to complain within two calendar months of the date of this letter about the way in which your request for information was handled and/or about the decision not to disclose all or part of the information requested. In addition a complaint can be made that DfT has not complied with its FOI publication scheme.

Your complaint will be acknowledged and you will be advised of a target date by which to expect a response. Initially your complaint will be re-considered by the official who dealt with your request for information. If, after careful consideration, that official decides that his/her decision was correct, your complaint will automatically be referred to a senior independent official who will conduct a further review. You will be advised of the outcome of your complaint and if a decision is taken to disclose information originally withheld this will be done as soon as possible.

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:

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

## Annex A

### **Section 40 Absolute Exemption:**

#### **Personal Information**

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 do not fall within subsection (1), and
  - (b) either the first or the second condition below is satisfied
3. The first condition is:
  - (a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of "data" in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene:
    - (i) any of the data protection principles, or
    - (ii) section 10 of that Act (right to prevent processing likely to cause damage or distress), and
  - (b) in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the Data Protection Act 1998 (which relate to manual data held by public authorities) were disregarded.
4. The second condition is that by virtue of any provision of Part IV of the Data Protection Act 1998 the information is exempt from section 7(1)(c) of that Act (data subject's right of access to personal data).
5. The duty to confirm or deny:
  - (a) does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1), and
  - (b) does not arise in relation to other information if or to the extent that either:
    - (i) the giving to a member of the public of the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) contravene any of the data protection principles or section 10 of the Data Protection Act 1998 or would do so if the exemptions in section 33A(1) of that Act were disregarded, or
    - (ii) by virtue of any provision of Part IV of the Data Protection Act 1998 the information is exempt from section 7(1)(a) of that Act (data subject's right to be informed whether personal data being processed).

6. In determining for the purposes of this section whether anything done before 24 October 2007 would contravene any of the data protection principles, the exemptions in Part III of Schedule 8 to the Data Protection Act 1998 shall be disregarded.

7. In this section:

"the data protection principles" means the principles set out in Part I of Schedule 1 to the Data Protection Act 1998, as read subject to Part II of that Schedule and section 27(1) of that Act;

"data subject" has the same meaning as in section 1(1) of that Act;

"personal data" has the same meaning as in section 1(1) of that Act.

## Annex B

### Section 31 Qualified Exemption - Law Enforcement

(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,
- (b) the apprehension or prosecution of offenders,
- (c) the administration of justice,
- (d) the assessment or collection of any tax or duty or of any imposition of a similar nature,
- (e) the operation of the immigration controls,
- (f) the maintenance of security and good order in prisons or in other institutions where persons are lawfully detained,
- (g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2),
- (h) any civil proceedings which are brought by or on behalf of a public authority and arise out of an investigation conducted, for any of the purposes specified in subsection (2), by or on behalf of the authority by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under an enactment, or
- (i) any inquiry held under the Fatal Accidents and Sudden Deaths Inquiries (Scotland) Act 1976 to the extent that the inquiry arises out of an investigation conducted, for any of the purposes specified in subsection (2), by or on behalf of the authority by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under an enactment.

(2) The purposes referred to in subsection (1)(g) to (i) are—

- (a) the purpose of ascertaining whether any person has failed to comply with the law,
- (b) the purpose of ascertaining whether any person is responsible for any conduct which is improper,
- (c) the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise,
- (d) the purpose of ascertaining a person's fitness or competence in relation to the management of bodies corporate or in relation to any profession or other activity

which he is, or seeks to become, authorised to carry on,

(e)the purpose of ascertaining the cause of an accident,

(f)the purpose of protecting charities against misconduct or mismanagement (whether by trustees or other persons) in their administration,

(g)the purpose of protecting the property of charities from loss or misapplication,

(h)the purpose of recovering the property of charities,

(i)the purpose of securing the health, safety and welfare of persons at work, and

(j)the purpose of protecting persons other than persons at work against risk to health or safety arising out of or in connection with the actions of persons at work.

(3)The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice any of the matters mentioned in subsection (1).

<b>Public interest test factors for disclosure</b>	<b>Public interest test factors against disclosure</b>
<p>There is a legitimate public interest in knowing how much and what public money is being spent on whilst using Government Procurement Cards.</p> <p>The Department should be open, transparent and accountable for public monies spent on Government Procurement Cards.</p> <p>This can be achieved by putting certain information contained within Government Procurement Card statements into the public domain.</p>	<p>If we were to disclose specific details of Government Procurement Card numbers, card holder names and who is authorised to use them, internal reference numbers and addresses where the statements are issued it would, or would be likely to, prejudice the prevention or detection of crime.</p> <p>Individuals seeing this information intent on committing crimes could use it coupled with other information already in the public domain to defraud the public purse. This is clearly not in the public interest.</p>

**Decision**

On balance the strong public interest arguments for maintaining the exemption for this specific information outweigh the public interest arguments for disclosing it at this time.