



Resolution

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July 2024
FOI_6618

The following information was requested on 25th June 2024:

Hello, I am writing to you under the Freedom of Information Act 2000 to request the following information from your organisation. Please may you provide me with:

- 1. When are you next going through an audit of the national fraud initiative?*
- 2. What current procedures do you have in place such as confirmation of payee against fraud?*
- 3. What is your current confirmation of payee software incumbent product & the renewal date of the contract.*

Our Response

1. NHS Resolution is not a part of the National Fraud Initiative.
2. We carry out stringent checks, the details of which are exempt. Please refer to the section 31 refusal notice below for further information.
3. We carry out stringent checks, the details of which are exempt. Please refer to the section 31 refusal notice below for further information.

Section 31 – Law Enforcement – withholding details of the procedures in place for payment verification

31(1) of the Freedom of Information Act 2000 (FOI Act) refers to information which is exempt (if it is not exempt information by virtue of section 30 of the FOI Act) if its disclosure under this Act would, or would be likely to, prejudice –

- (a) the prevention or detection of crime

We consider that disclosing the details of any specific details of our payment verification processes and procedures would be likely to materially increase the risk of criminals attempting to circumvent these procedures. The information could be used by any person in the world (as is the nature of a disclosure under FOIA) particularly in

conjunction with other information in the public domain, to plan or prepare more sophisticated attacks.

Divulging the requested information would compromise sensitive information in relation to our payment verification techniques and hinder our ability to prevent or detect fraud. We are increasingly the target of financial fraud attempts.

Section 31(1)(a) is a qualified exemption and requires public authorities to carry out a public interest test to determine whether in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the withheld information.

Public Interest Test –

Public Interest considerations in favour of disclosing the information

There is a public interest in openness and transparency in public sector bodies which can help to maintain public trust.

Public interest considerations in favour of maintaining the exemption

NHS Resolution recognises its duty to protect the public finances that it manages and to ensure only legitimate suppliers are provided with the correct information and any money owed.

Disclosing the information requested would mean releasing details that could increase the ability of criminals to attempt to commit fraud and it would likely put pressure on our counter fraud measures which are already in place. Thereby creating an additional burden on the organisation.

By withholding this information, criminals will be prevented from exploiting such information in order to target our systems, individuals or defraud public funds.

Balance of Public Interest Test (PIT)

NHS Resolution acknowledges that there is an inherent public interest in the right to know. We believe that ensuring the effectiveness of our counter fraud measures is paramount to ensuring public funds is not misappropriated and obtained in a fraudulent way. On the balance of the PIT, we believe that there would be a clear causative link in disclosing the information you have requested which could expose the organisation to the risk of crime and subsequently lead to fraud being committed.

NHS Resolution therefore believes that the greater public interest is in withholding any specific details of our payment verification processes and procedures based on the provisions contained in S31(1)(a) of the FOI Act.

This concludes our response to your request.

If you are not satisfied with the service that you have received in response to your information request, it is open to you to make a complaint and request a formal review of our decisions. If you choose to do this, you should write to [Tinku Mitra](#), Deputy Director of Corporate and Information Governance, Data Protection Officer for NHS Resolution, within 28 days of your receipt of this reply. Reviews of decisions made in relation to information requests are carried out by a person who was not involved in the original decision-making about the request.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a review of the decision. Generally, the Information Commissioner will not make a decision unless you have exhausted the local complaints procedure. The address of the Information Commissioner's Office is:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

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