

Our Ref: 008769/16



Freedom of Information Section
Nottinghamshire Police HQ
Sherwood Lodge, Arnold
Nottingham NG5 8PP

Tel: 101
Ext 800 2507
Fax: 0115 967 2896

10 January 2017

Dear

Request under the Freedom of Information Act 2000 (FOIA)

I write in connection with your request for information, which was received by Nottinghamshire Police on 30/11/2016.

Following receipt of your request searches were conducted within Nottinghamshire Police to locate the information you require.

RESPONSE

Under S 1 (1) (a) of the Freedom of Information Act 2000 (FOIA), I can confirm that Nottinghamshire Police does hold the information you have requested.

Please find below answers to your questions:-

I am writing to you under the Freedom of Information Act 2000 to request the following information from Nottinghamshire Police.

- 1) How many cyber attacks have been conducted against the Force in the past three years?***
- 2) Please detail the date of each attack.***
- 3) Please detail in each instance what services were disrupted and for how long.***
- 4) Please detail the estimated cost to the Trust of cyber attacks in the past three years.***

Please provide the information in the form of an Excel spreadsheet or PDF.

There is some information relevant to your request which is already within the public domain as detailed below:



<http://www.bbc.co.uk/news/uk-england-nottinghamshire-29951605>

This is therefore exempt from disclosure under Section 21 of the Act:
Information reasonably accessible by other means.

21. – (1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

(2) For the purposes of subsection (1) –

- a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and
- b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.

(3) For the purposes of subsection (1), information which is held by a public authority and does not fall within subsection (2) b) is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information is made available in accordance with the authority's publication scheme and any payment required is specified in, or determined in accordance with, the scheme.

Additionally, Nottinghamshire Police can neither confirm nor deny that information is held relevant to your request as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemptions:

Section 23(5) Information supplied by or concerning certain Security Bodies

Section 24(2) National Security

Section 31(3) Law Enforcement

Section 23 is a class based absolute exemption and there is no requirement to evidence the harm or articulate public interest considerations to the applicant.

With Sections 24 and 31 being prejudice based qualified exemptions there is a requirement to articulate the harm that would be caused in confirming or not whether information is held as well as considering the public interest.

Harm in Confirming or Denying that Information is held

To confirm or deny whether 'hacking' of a computer system has taken place would identify vulnerable computer systems and provide actual knowledge, or not, that these incidents have taken place.

In order to counter criminal and terrorist behaviour it is vital that the police and other agencies have the ability to work together, where necessary covertly, in order to obtain intelligence within current legislative frameworks to ensure the arrest and prosecution of offenders who commit or plan to commit acts of terrorism, whereby their modus operandi may involve 'hacking' into secure databases.

In order to achieve this goal, it is vitally important that information sharing takes place with other police forces and security bodies within the United Kingdom in order to support counter-terrorism measures in the fight to deprive terrorist networks of their ability to commit crime.

To confirm or deny specific details of any breaches of information technology and security would be extremely useful to those involved in terrorist activity as it would enable them to map vulnerable information security databases.

Public Interest Considerations
Section 24(2) National Security

Factors favour complying with Section 1(1)(a) confirming that information is held

The public are entitled to know how public funds are spent and how resources are distributed within an area of policing. To confirm where information security breaches have occurred would enable the general public to hold Nottinghamshire Police to account ensuring all such breaches are recorded and investigated appropriately. In the current financial climate of cuts and with the call for transparency of public spending this would enable improved public debate.

Factors against complying with Section 1(1)(a) confirming or denying that any other information is held

Security measures are put in place to protect the community that we serve. As evidenced within the harm to confirm where specific breaches have occurred would highlight to terrorists and individuals intent on carrying out criminal activity vulnerabilities within Nottinghamshire Police.

Taking into account the current security climate within the United Kingdom, no information (such as the citing of an exemption which confirms information pertinent to this request is held, or conversely, stating 'no information is held') which may aid a terrorist should be disclosed. To what extent this information may aid a terrorist is unknown, but it is clear that it will have an impact on a force's ability to monitor terrorist activity.

Irrespective of what information is or isn't held, the public entrust the Police Service to make appropriate decisions with regard to their safety and protection and the only way of reducing risk is to be cautious with what is placed into the public domain.

The cumulative affect of terrorists gathering information from various sources would be even more impactful when linked to other information gathered from various sources about terrorism. The more information disclosed over time will give a more detailed account of the tactical infrastructure of not only a force area but also the country as a whole.

Any incident that results from such a disclosure would by default affect National Security.

Section 31 – Law Enforcement

Factors favouring complying with Section 1(1)(a) confirming that information is held

Confirmation that information exists relevant to this request would lead to a better informed public which may encourage individuals to provide intelligence in order to reduce such security breaches.

Factors against complying with Section 1(1)(a) neither confirming nor denying that information is held

Confirmation or denial that information is held in this case would suggest Nottinghamshire Police take their responsibility to protect information and information systems from unauthorised access, destruction, etc., dismissively and inappropriately.

Balancing Test

The points above highlight the merits of confirming or denying the requested information exists. The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. As part of that policing purpose, information is gathered which can be highly sensitive relating to high profile investigative activity.

Weakening the mechanisms used to monitor any type of criminal activity, and specifically terrorist activity would place the security of the country at an increased level of danger.

In order to comply with statutory requirements and to meet NPCC expectation of the Police Service with regard to the management of information security a national policy approved by the College of Policing titled National Policing Community Security Policy has been put in place. This policy has been constructed to ensure the delivery of core operational policing by providing appropriate and consistent protection for the information assets of member organisations. A copy of this can be found at the below link:

<http://library.college.police.uk/docs/APP-Community-Security-Policy-2014.pdf>

In addition anything that places that confidence at risk, no matter how generic, would undermine any trust or confidence individuals have in the Police Service.

Therefore, at this moment in time, it is our opinion that for these issues the balance test favours neither confirming nor denying that information is held. No inference can be drawn from this refusal that information is or isn't held.

Complaints Rights

Your attention is drawn to the enclosed review procedure, which details your right of complaint.

Copyright

Nottinghamshire Police in complying with their statutory duty under Sections 1 and 11 of the Freedom of Information Act 2000 (FOIA) to release the enclosed information will not breach the Copyright, Designs and Patents Act 1988. However, the rights of the copyright owner of the enclosed information will continue to be protected by law. Applications for the copyright owner's written permission to reproduce any part of the attached information should be addressed to the Force Solicitor, Nottinghamshire Police, Force Headquarters, Sherwood Lodge, Arnold, Nottinghamshire, NG5 8PP.

I would like to take this opportunity to thank you for your interest in Nottinghamshire Police.

Should you have any further enquiries concerning this matter, please write or contact the Freedom of Information Officer on telephone number 0115 9672507 or e-mail freedomofinformation@Nottinghamshire.pnn.police.uk quoting the above reference number.

Yours sincerely

Disclosure Officer

Are you dissatisfied with your response?

Nottinghamshire Police has a duty to implement a complaints process in relation to Freedom of Information Act requests. If you are not content with our response, you may appeal, this process is known as an 'Internal Review'

Internal reviews are intended to be a fair and impartial means of reviewing the original request process.

You can appeal about your request if you:-

- Disagree with the Forces interpretation of your request;
- Believe the Force hold more information than has been disclosed to you;
- Disagree with the application of exemptions;

How do I appeal?

All appeals should be made in writing and sent to:-

Information Management
Nottinghamshire Police
Force Headquarters
Sherwood Lodge
Arnold
Notts
NG5 8PP

or alternatively freedomofinformation@nottinghamshire.pnn.police.uk

To deal with your appeal as quickly as possible please provide the unique identification number provided with your response and the reasons for your appeal.

Once we have received your request for appeal, your FOI response will be reviewed in full to identify any problems in the disclosure.

The review will be undertaken by someone different from, and preferably senior to, the original decision maker and this should be completed within 20 working days from receipt, in exceptional circumstances it may be extended by a further 20 working days.

What if I'm still not satisfied?

You can appeal to the Information Commissioner. You can contact the Information Commissioner Office at the following:-

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

Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)

E-mail: casework@ico.org.uk