

Our Ref: 005192/17



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

**Tel:** 101  
**Ext** 800 2507  
**Fax:** 0115 967 2896

01 September 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 03/07/2017.

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

1)

- a) ***Please state the number of computers your police force currently uses that operate the Windows XP operating system.***
- b) ***Please state what percentage of all PCs currently used by your force that this number represents.***

2)

- a) ***Please state the number of computers your police force currently uses that operate earlier variants of Windows, such as Windows ME, 2000, 98 or 95.***
- b) ***Please state what percentage of all PCs currently used by your force that this number represents.***

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 24(2) National Security

Section 31(3) Law Enforcement

Sections 24 and 31 of the Act are prejudice based qualified exemptions, and therefore evidence of harm and public interest considerations are required to be articulated to the applicant.

## **Harm in Confirming or Denying that Information is held**

Policing is an information-led activity, and information assurance (which includes information security) is fundamental to how the Police Service manages the challenges faced. In order to comply with statutory requirements the College of Policing Authorised Professional Practice for Information Assurance has been put in place to ensure the delivery of core operational policing by providing appropriate and consistent protection for the information assets of member organisations, see below link:

<https://www.app.college.police.uk/app-content/information-management/><<https://www.app.college.police.uk/app-content/information-management/>>

To confirm or deny the type of operating system Nottinghamshire Police use would identify vulnerable computer systems.

### **Public Interest Considerations**

#### **Section 24(2) National Security**

##### **Factors favouring 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. 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 information is held**

Security measures are put in place to protect the community we serve. As evidenced within the harm to confirm the type of operating system Nottinghamshire Police use would highlight to individuals intent on carrying out criminal activity vulnerabilities within Nottinghamshire Police.

If Nottinghamshire Police were to fall subject to a cyber-attack, the implications would affect the country on a national scale and therefore could adversely affect national security as well as undermine policing.

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.

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

### **Factors against complying with Section 1(1)(a)**

Modern-day policing is intelligence led and Nottinghamshire Police share information with other law enforcement agencies as part of their investigation process. To confirm the type of operating system Nottinghamshire Police uses could hinder the prevention and detection of crime as well as undermine the partnership approach to investigations and enforcement.

Should offenders take evasive action to avoid detection, police resources may well be diverted from frontline duties and other areas of policing in order to locate and apprehend these individuals. In addition, the safety of individuals and victims would also be compromised.

Police information, intelligence and tactics could be obtained from a cyber-attack resulting in the criminal fraternity including terrorists gaining knowledge that will assist in the planning of offences and evading detection. It is also possible the sharing of information and the updating of multiagency databases such as PNC are affected, which could jeopardise officer safety as well as that of the public.

### **Section 31(3) Law Enforcement**

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

Confirming 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 these attacks.

#### **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 protection 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.

### **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](mailto: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](mailto: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](mailto:casework@ico.org.uk)