

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.ukdisclosure@wiltshire.police.ukDate: 29th November 2021

Your Ref: FOI

Our Ref: FOI 2021/786

Reply contact name is: Kay Moore

Dear,

I write in connection with your request for information dated 2nd October 2021 concerning digital forensic services.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Your request for information has now been considered and it is not possible to meet your requirements in full.

You wrote:

I would be grateful if you could send me a response to the following questions:

1. Does the force outsource the digital forensic services e.g. data recovery of mobile telephones, drones, satellite navigation systems, tablets and other mobile devices?
2. If so, please confirm how the force decides which company to outsource the work to e.g. Long term contract via tender application or on a case by case basis.
3. If this work is outsourced under a contract, please confirm,
 - a. Which company / companies are currently contracted to undertake the work.
 - b. When the contract is up for renewal.
 - c. The average number of individual cases / devices the current each company investigate for the force per annum.
 - d. What the current cost of the contract to the force per annum (per company).
4. Does the force have a Digital Forensics lead? If so, please provide their name and contact details.
5. What are the minimum qualifications / accreditations etc, required of a company to undertake such work for the force?



INVESTOR IN PEOPLE

Our response:

I have considered your request and I am able to provide a partial response below as follows –

1.) Yes.

2.) Long term contract via tender application.

4.) Steve Slater, Regional Head of Digital Forensics – Devon and Cornwall Police (you can contact D&C Police directly by going through to their website <https://www.devon-cornwall.police.uk/contact/>).

5.) Procurement processes involve a suitability assessment to test a suppliers economic and financial standing and there are no grounds for mandatory exclusion to complete work on behalf of a Police force. Following this, technical assessments are made of the suppliers service which will include in-depth review of forensic capabilities, processes and controls which will include their Accreditation status to ISO:17025.

However, in relation to the information you requested regarding question 3(a)(b)(c)(d), this information is exempt from disclosure by virtue of the following exemption:

Section 31(1)(a)(b) – Law Enforcement (in relation to questions 3a & 3c)
Section 43(2) – Commercial Interests (in relation to questions 3b & 3d)

Section 31 is a prejudice-based qualified exemption and therefore, requires Wiltshire Police to establish the harm in disclosure, along with any public interest considerations for and against disclosure.

Section 43 is a class-based qualified exemption and is also therefore, subject to a Public Interest Test.

Please see the harm and public interest tests carried out below.

Section 31(1)(a)(b) Law Enforcement – Public Interest Test:

Overall Harm:

The Harm Test process requires Wiltshire Police to consider any possible harm that might arise as a result of placing the requested information into the public domain. This process considers the potential harm to:

- Individuals
- The community as a whole
- Wiltshire Police and the wider policing service
- Other bodies

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/>

Commercial Forensic Service Providers are vitally important in the Criminal Justice system - not only do they play a crucial role by supporting UK Policing with backlogs in the Digital Forensics arena, but they provide Defence teams with access to independent forensic experts to support their clients.

Whilst not in any way questioning the motives of the applicant, it must be taken into account when considering potential harm that a disclosure under the Freedom of Information Act 2000 is made to the world at large, rather than a private correspondence. Specific details of any forensic service providers used by Wiltshire Police would be extremely useful to those involved in criminality as it would enable them to create a map of those most used by Police Forces. Forensic Service Providers can be targeted by malicious actors, for example in 2019 Eurofins (one of the UKs largest FSPs) suffered a highly sophisticated ransomware attack which severely disrupted UK Policing and the Criminal Justice system.

<https://www.helpnetsecurity.com/2019/06/24/eurofins-ransomware-attack/>
<https://www.theguardian.com/science/2019/jul/05/eurofins-ransomware-attack-hacked-forensic-provider-pays-ransom>

By providing a list of forensic service providers, Force by Force, a malign individual could identify those most critical to the Law-and-Order sector and specifically target those providing the most assistance. This would have a huge impact on the effective delivery of operational law enforcement as it would leave companies open to further cyberattacks which could have devastating consequences for law enforcement.

Factors favouring Disclosure:

Confirming the names of Forensic Service Providers would be of interest to the public, namely give insight into the forensic processes used to solve crimes.

Factors favouring Non-Disclosure:

Measures are put in place to protect the community we serve and as evidenced within the harm, to provide a detailed list of Forensic Service Providers would allow individuals intent on disrupting law enforcement to target specific companies using the information obtained to maximise the impact.

Taking into account the current security climate within the United Kingdom, and the recent Eurofins cyber-attack, no information which may aid criminality should be disclosed. It is clear that it would have an impact on a Force's ability to carry out the core duty of enforcing the law and serving the community.

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.

Balance Test:

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. In order to effectively and robustly carry out those duties, external services are utilised which are vital to investigating criminal activity. Weakening the mechanisms used to investigate any type of criminal activity would have a detrimental impact on law enforcement as a whole. To provide the names of the FSPs despite the known risks of cyber-attacks would undermine any trust or confidence the public have in the Police Service. Therefore, at this moment in time, it is our opinion that the balance test favours against the disclosure of the FSP used for digital forensics.

Section 43(2) Commercial Interests – Public Interest Test:

Factors favouring Disclosure:

Disclosing all of the information requested in relation to this request, and therefore in relation to the contracts between Wiltshire Police and external service provider(s), would ensure Wiltshire Police are being open and transparent with the public. The disclosure of such information would encourage public debate and awareness.

Factors against Disclosure:

Disclosing some of the information requested is likely to damage the relationship between Wiltshire Police and the service provider(s). It is also possible that disclosure could prejudice the commercial interests of the service provider(s), especially in cases where there may be a limited number of suppliers in the market. Making this disclosure could identify information which has been specifically obtained through negotiation between Wiltshire Police and the service provider(s), thus in turn prejudicing Wiltshire Police's position in future negotiations.

Balance Test:

Despite there being an identifiable public interest in Wiltshire Police being open and transparent, the interests of the Force may be jeopardised if information relating to sensitive commercial information about business, financial or contractual issues are disclosed. The community would also be impacted as costs to the Force could be driven up by the lack of competition due to companies refusing to do business with Forces that disclose commercially sensitive information. If this information were to be disclosed, this may cause harm between Wiltshire Police and its service providers.

Having weighed up all of the factors outlined above, on balance the argument for disclosing this information is not made out and therefore it is in the public interest to withhold the information requested.

Section 17 of the Freedom of Information Act 2000 requires the Constabulary, when refusing to provide information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

In accordance with the Freedom of Information Act 2000 this letter acts as a Refusal Notice for those aspects of your request.

Exemptions applied:

Section 31(1)(a)(b) – Law Enforcement
Section 43(2) – Commercial Interests

I am satisfied that all the relevant information has been passed to me and been considered in the light of your request within the time constraints applicable under the legislation.

Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely,

Kay Moore
Force Disclosure Decision Maker

Wiltshire Police offers a re-examination of your case under its review procedure.



Force Disclosure Unit

Wiltshire Police HQ, London Road, Devizes, Wiltshire SN10 2DN
Telephone 101 ext 62005

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Wiltshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing to the:
Force Disclosure Unit
Wiltshire Police Headquarters,
London Road, Devizes,
Wiltshire,
SN10 2DN

Email at disclosure@wiltshire.police.uk.

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Force Disclosure Unit within 20 working days of the Force's response to the original FoI request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing to include confirmation of the reasons for the review. The review will be conducted by another Decision Maker, who is independent from the original Decision Maker. The Force Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within twenty working days. In more complex cases the review may take up to 40 working days.

The Independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Decision Maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should

contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545 700
Fax: 01625 524 510
Email: mail@ico.gsi.gov.uk