

WILTSHIRE POLICE



XXXXXXX
By email

**Force Disclosure Unit
Police Headquarters**
London Road
DEVIZES
Wiltshire
SN10 2DN

Date 14th July 2023

Our Ref FOI 2023-624

Dear XXXXX,

I write in connection with your request for information dated 13th June 2023, concerning Cloud services and DPIAs for Microsoft cloud hosted services. Please accept my apologies for the slight delay in responding to your request.

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.

Following receipt of your request, research was conducted by the Data Protection Officer at Wiltshire Police. Your request for information has now been considered and I am not obliged to supply the information you have requested.

You wrote:

I would be grateful if, under the terms of the Freedom of Information Act 2000/Freedom of Information (Scotland) Act 2002/ or other appropriate and applicable FOI legislation for your organisation, you would provide me with the following information within the statutory period.

No. 1 - A copy of your Record of Processing Activities [ROPA] covering all Cloud based services to include the elements listed under S.61 2(a) through 2(j) of the Act.

Since this is a document which the authority must already have in place and maintain under a statutory obligation I do not expect this to be difficult to provide with minimal effort.

Note: I do not require you to provide information falling under S.61 2(k) relating to security controls applied to meet your obligations under S.66 of the Act. this may be redacted from the ROPA.

No. 2 - A copy of applicable Data Protection Impact Assessment(s) conducted under the terms of the Data Protection Act 2018 Part 3 for any of the following Microsoft Cloud based services in use by your organisations:

a) Microsoft 365/M365 (& any component service of it including Teams & Dynamics 365)

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b) Microsoft Azure (and its associated hosted services)

Please note:

i) A DPIA should not in general contain any specific information relating to system security measures requiring redaction before release but I am aware that some Policing organisations do include this information in their DPIA products.

ii) Reasonable redaction of such information - strictly and only to the extent necessary to maintain the security of Police operations (if this has been included in the DPIA) - is acceptable, as is removal of personal data where this does not relate to names of individuals in key responsible roles.

iii) General redaction of core information relating to any relevant DPIA content required to evidence your organisations achievement against their statutory obligations would however be unacceptable.

Redactions or refusals on the basis of exemptions under S.24, S.31 and/or S.36 (or their equivalent) shall be robustly challenged, since nothing in a DPIA should feasibly relate to such matters.

No.3 - A copy of the specific contract or terms of service applied for the above services between your organisations (as Controller) and Microsoft (as Processor) as required under S.59 of the Act; or confirmation that the Terms of Service applicable to your use of their services are solely the Microsoft Standard Terms.

Please note:

The Contract/Terms of Service do not need to include any financial information - I am not seeking that, or any other commercially sensitive information, at this time.

Our response:

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at s1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at s1(1)(b) is to disclose information that has been confirmed as being held.

Whilst I can confirm Wiltshire Police do hold the requested information, section 12(1) of the FOIA states:-

Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

The information you are requesting - namely in relation to the first part of your request - is not stored in a way which permits for easy retrieval. The Chief Constable maintains a record of all categories of processing activities (ROPA) for which she is responsible as a controller for the purposes of Section 61 of the Data Protection Act 2018. There will be information within this ROPA that will be of a tactically sensitive / covert nature. The whole ROPA would need to be reviewed and information assets owners consulted to determine whether the information could be released to the public. Doing so would exceed the time obligations placed upon the authority to comply with this request.

Under the circumstances I am absolutely confident that to locate, retrieve and extract the information you seek would by far exceed the time obligations upon this authority to comply, and

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in so doing would exceed the fees limits. This is set at £450 calculated at a flat rate of £25 per hour for those work activities comprising of confirming the information is held, locating it, retrieving it and extracting it. Therefore the whole of the request should fall under the exemption of section 12 of the Freedom of Information Act 2000.

Please also note that if one part of the request engages a Section 12 response, the whole request will engage a Section 12 response. The reason being is due to the fact that locating, retrieving and extracting any further information would only add to the already exceeded time obligations.

Under our Section 16 obligation to provide advice and assistance, we would advise you to refine your request to a more manageable level. If the first part of this request was removed, it may be possible to provide a response to the remaining two parts. Please note, these parts may incite further exemptions dependent on what information we may or may not hold, therefore there is **no guarantee** a disclosure will definitely be provided.

Section 17 of the Freedom of Information Act 2000 requires Wiltshire Police, when refusing to provide such 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.

The exemption applicable to the information requested is:

Section 12 - Exemption where cost of compliance exceeds appropriate limit

(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

In accordance with section 17 of the Act, this letter represents a Refusal Notice for this particular request.

Please contact me if you would like to discuss the withheld information.

Yours sincerely,

Abigail Standidge

Phone: 01722 547081

Email: abigail.standidge@wiltshire.police.uk

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



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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 Fol 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

Please note that the ICO's offices will be closed for the foreseeable future and are therefore unable to receive correspondence via post.

If you should wish to contact them, please visit <https://ico.org.uk/global/contact-us/>

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