

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.ukdisclosure@wiltshire.pnn.police.uk

XXXXXX – by E Mail

Date: 24th August 2023

Your ref: FOI

Our ref: FOI 2023 / 725

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 18th July 2023 concerning Microsoft Cloud-Based 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 – having consulted our Data Protection, Process Improvement and ICT Teams - I am now able to respond as follows, however not in full.

You wrote:

Element 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)
- 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 or personal data where this does not relate to names of individuals in key responsible roles.



INVESTOR IN PEOPLE

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.

Element 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:

Element 2

We currently do not possess a DPIA for Microsoft as a whole.

We currently have a number of various DPIA's in development but these are still currently under review and are not signed-off yet.

At the present time, we only have two completed DPIA's that are signed off and which relate to Element 2 – these are attached.

Element 3

I can confirm that the Terms of Service applicable to our use of their services is solely the Microsoft Standard Terms. This is held digitally via our MS Portal.

With regards to Element 2, please note, the names of specific Wiltshire Police personnel have been redacted where necessary – this information is exempt from disclosure by virtue of Section 40(2) – Personal Information.

Section 40 is an absolute exemption and there is no requirement for Wiltshire Police to articulate the harm or examine the public interest in disclosure.

Section 17 of the Freedom of Information Act 2000 requires the 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 40: Exemption where cost of compliance exceeds appropriate limit

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

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,

Nick Penny
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.pnn.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