



Police Headquarters
London Road
DEVIZES
Wiltshire
SN10 2DN
disclosure@wiltshire.police.uk

Date 28th September

Our ref **FOI 2023/860**

Dear ***,

I write in connection with your request for information dated 29th August 2023 concerning Digital Evidence Management (DEM) Solution.

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 ICT Unit at Wiltshire Police.

Your request for information has now been considered and I am able to respond as follows.

You wrote/ Our Response:

1. Does your force utilise a Digital Evidence Management (DEM) Solution that is widely accessible to officers and staff across the force? **Yes**

2. If Yes:

a. What is the name of the solution and who provided the solution? The information in which you are requesting is exempt by virtue of Section 31(1)(a)(b) Law Enforcement – Please see below our Public Interest Test.

b. Is it cloud hosted? If yes, who is the cloud provider? The information in which you are requesting is exempt by virtue of Section 31(1)(a)(b) Law Enforcement

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:

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- 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 DEMS Providers are vitally important in the Criminal Justice system - not only do they play a crucial role by supporting UK Policing with the security and storage of vast amounts of digital evidence that can be gathered or generated during investigations, but they help manage the chain of custody; keeping relevant audit logs so that the digital evidence can be relied upon in Court.

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 the DEMS 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 critical to the Law-and-Order sector, and specifically target those proving the most assistance.

The risk of such is significant and real, whether it is in relation to the DEMS or any other aspect of policing within the context of digital evidence, such as the use of Forensic Service Providers. 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>

As demonstrated, the threat of cyberattacks is clear and remains ever present, which if successful, such an attack would have devastating consequences for law enforcement as a whole.

Factors favouring Disclosure - Confirming the names of DEMS providers would be of interest to the public, namely give insight into the solutions used by the police to manage and store vast amounts of digital evidence.

Factors favouring Non-Disclosure - Measures are put in place to protect the community we serve and as evidenced within the harm, to provide the information requested 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 previous Eurofins cyber-attack, no information which may aid criminality should be

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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 information requested, 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 disclosure.

- c. How many users are licenced to use the DEM Solution? **Unlimited.**
- d. What is the contracted storage capacity? **Unlimited.**
- e. Has the force exceeded the contracted storage capacity in the last 12 months? **No.**
- f. At the end of the contracted time period, will the force be open to reviewing other available DEM solutions on the market before automatically renewing? **Yes.**
- g. When is the renewal due? **December 2024.**
- h. Is this the force's only DEM solution or does the force have other separate DEMs specifically for specialist units, i.e. Major Investigations, Digital Forensics, PSD/ACU, etc? **No.** If yes, what is the reason for having a separate DEM? **(Assumed typo and meant to read If no.)**
 - a. **Isolation/added internal security**
 - b. Concerns over the amount of storage individual Units upload
 - c. other

3. If No, when is the force intending on starting the procurement process to acquire a DEM Solution? **N/A**

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 31(1)(a)(b) Law Enforcement**

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(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.

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

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

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

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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

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