

WILTSHIRE POLICE



XXXXXXX
By email

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

Date 25th April 2024

Our Ref FOI 2024-329

Dear XXXXX,

I write in connection with your request for information dated 21st March 2024, concerning cyber-attacks on the Force. Please accept my apologies for the 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.

Your request for information has now been considered and I am **not** obliged to supply the information you have requested.

You wrote and our response:

I am writing to politely request the following data under the terms of the Freedom of Information Act 2000 (FOIA) on cyber attacks affecting Wiltshire Police. Where possible please provide data broken down by calendar year or failing that, by relevant 12-month period (e.g. 2021/22 2022/23 etc.) for which data is available.

1. How many times has your organisation experienced an attempted cyber-attack in the last two financial years?
2. Have you ever reported any cyber-related incidents to the NCSC and if so, how many in the last two financial years?
3. Thinking about cyber-attacks where the criminal was able to obtain data or disable systems, how much have these cost the organisation?

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

Wiltshire Police can neither confirm nor deny that it holds any other information relevant to this request by virtue of the following exemptions:

- Section 23(5) - Information supplied by, or concerning, certain Security Bodies.

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- Section 24(2) - National Security
- Section 31(3) - Law Enforcement

Section 23 is a class based absolute exemption and there is no requirement to consider the public interest in this case.

Sections 24 and 31 are both prejudice-based, qualified exemptions and therefore require Wiltshire Police to establish the harm in disclosure, and the public interest for and against disclosure.

Harm in Confirming or Denying that Information is held

To confirm or deny whether any further information is held in respect of successful or attempted cyber-attacks resulting in Data Breaches would provide actual knowledge of where an attempt has been made, if it has or has not been successful. Confirming that such information is not held may assist potential attackers by indicating that an attack had gone undetected. Equally, confirming information is held would enable understanding of where attacks have been successful, and possible weaknesses exist. Attackers may then be able to tailor their methods to increase their chances of success.

To confirm or deny whether information is held in respect of any leaked data as a result of an attack would, in effect, confirm that there had been successful cyber-attacks made against Wiltshire Police, which would present harm as detailed above.

Furthermore, in order to counter criminal and terrorist behaviour it is vital that the police and other agencies have the ability to work together, where necessary covertly, in order to obtain intelligence within current legislative frameworks to ensure the arrest and prosecution of offenders who commit or plan to commit acts of terrorism, whereby their modus operandi may involve cyber-attacks on secure databases. In order to achieve this goal, it is vitally important that information sharing takes place with other police forces and security bodies within the United Kingdom in order to support counter-terrorism measures in the fight to deprive terrorist networks of their ability to commit crime. To confirm or deny specific details of any breaches of information technology and security would be extremely useful to those involved in terrorist activity as it would enable them to map vulnerable information security databases.

Public Interest Considerations

Section 24(2) - National Security

Factors in favour of confirming or denying 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. To confirm information is held regarding successful cyber-attacks causing Data Breaches would enable the general public to hold Wiltshire Police to account ensuring all such breaches are recorded and investigated appropriately. With the call for transparency of public spending this would enable improved public debate.

Factors against 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 whether any cyber-attacks have been successful would highlight to terrorists and individuals intent on carrying out criminal activity vulnerabilities within Wiltshire Police which could be further exploited.

Taking into account the current security climate within the United Kingdom, no information (such as the citing of an exemption which confirms information pertinent to this request is held, or conversely, stating 'no information is held') which may aid a terrorist should be disclosed. To what extent this

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information may aid a terrorist is unknown, but it is clear that it will have an impact on our ability to monitor terrorist activity.

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.

The cumulative effect of terrorists gathering information from various sources would be even more impactful when linked to other information gathered from various sources about terrorism. The more information disclosed over time will give a more detailed account of the tactical infrastructure of not only a force area but also the country as a whole.

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

Section 31(3) - Law Enforcement

Factors favouring confirming or denying that information is held

Confirmation 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 such security breaches.

Factors against confirming nor denying that information is held

Confirmation or denial that information is held in this case would suggest Wiltshire 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 protecting 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 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.

In addition, disclosing the total budget spent on cyber support, protection and computer systems and the number of people employed to oversee cyber support and programmes would put Wiltshire Police at risk. This information may be gathered from Forces nationally and therefore a 'league table' of Forces with the least funding and/or lowest number of employees could be created.

4. How much of the organisation's total annual budget is spent on cyber support, protection and computer systems?
5. How many people are employed by the organisation to oversee cyber support and programmes?

This information is exempt under the Freedom of Information Act 2000 by virtue of Section 24(1) - National Security and Section 31(1) - Law Enforcement.

Sections 24 and 31 are both prejudice-based, qualified exemptions and therefore require Wiltshire Police to establish the harm in disclosure, and the public interest for and against disclosure.

Overall Harm

Any disclosure under Freedom of Information is a disclosure to the public at large. To disclose information relation to the total budget spent on cyber support, protection and computer systems and the number of people employed to oversee cyber support and programmes would undermine the core principles of policing, one of which is preserving national security.

The threat from terrorism cannot be ignored. It is generally recognised that the international security landscape is increasingly complex and unpredictable. Since 2006, the UK Government has published the threat level - [Threat Levels | MI5 - The Security Service](#). The UK continues to face a sustained threat from violent extremists and terrorists. Based upon current intelligence, the national threat level is currently set at Substantial.

Wiltshire Police is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. To disclose information that would assist offenders would seriously threaten the effective delivery of operational law enforcement, and would show limitations of Police capabilities within this specific area. If this information were to be gathered nationally, it would allow those with a criminal intent to map where funding and employment is the lowest. This would further encourage criminal activity by exposing potential vulnerabilities nationally.

Police Forces have a duty to protect Officers, staff and members of the public from harm. To provide a disclosure that would be to the detriment of providing an efficient policing service would be a failure in providing this duty of care.

Public Interest Test

Section 24(1) - National Security

Factors favouring disclosure

Disclosing the total budget Wiltshire Police have allocated to our cyber support, protection and computer systems would not pose a cyber-security risk in itself. Therefore, it would not actually harm national security.

Disclosing the number of people Wiltshire Police has employed to oversee our cyber support would inform the public that we are taking this area of concern, and the threat posed by criminals (including terrorist groups), seriously.

Factors against disclosure

Placing the total budget allocated for our cyber support, protection and computer systems into the public domain would allow offenders (including terrorist groups) to identify if Wiltshire Police have limited funding in this area, compared with other Forces nationally. This could provide an indication of our departments lack of understanding of cyber-security threats, therefore placing the public at a greater risk and rendering security measures in place as less effective.

Informing the public of the number of people employed to oversee cyber support within Wiltshire Police would provide an indication to our understanding of cyber-security threats, risk appetite and activity. This would leave us vulnerable to an attack if there are limited resources available.

If this information were gathered on a national scale, a 'league table' could be created demonstrating the Forces that have limited funding for this area and/or limited resources in terms of employees in this area. This would increase the risk of those Forces being targeted, therefore resulting in an increased risk to national security being compromised.

Section 31(1) - Law Enforcement

Factors favouring disclosure

Disclosing the total budget allocated for our cyber support, protection and computer systems would show the public how public funds are being spent in this area in order to prevent and detect crime. This would show Wiltshire Police is being as open and transparent as possible with the public.

Disclosing the number of people employed by Wiltshire Police to oversee cyber support would demonstrate how many people we have dedicated to preventing crime and detecting criminals for this particular area of concern. This would show that we are being as open and transparent with the public as possible, and would allow the public to be better informed with regards to this specific area.

Factors against disclosure

To place the total budget spent on cyber support, protection and computer systems into the public domain would allow individuals to deduce sensitive information regarding the expenditure of Wiltshire Police. This could show a limited investment in this particular area, therefore providing an indication of the level of understanding within that department.

To inform the public of the number of individuals employed by Wiltshire Police to oversee cyber support would also be informing those with a criminal intent of this information. This would allow offenders to gain valuable information in relation to this particular area, which they would then use to avoid detection. If we had a lower number of employees in this area, the Force would be left open to an attack as we would be identified as being vulnerable. This would then hinder our ability to prevent and detect crime.

Balance Test

Wiltshire Police are charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. The Force will not divulge any information that would place the safety of an individual (Officer, staff or member of the public) and/or the Force at risk, or that would undermine national security.

Whilst there is a public interest in being open and transparent with the public, in addition to the public seeing how the Force are engaging with the threat from criminals, there is a stronger public interest in safeguarding both national security and the integrity of the Force. It must also be reiterated that a disclosure under Freedom of Information is not only a disclosure to the requester but to the world.

For these reasons, it is our opinion that the public interest lies in favour of non-disclosure of the information that has been 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 23(5) - Information Supplied by, or concerning certain Security Bodies

Section 24(1) and Section 24(2) - National Security

Section 31(1) and Section 31(3) - Law Enforcement

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



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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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