

18 August 2023

**ICO case reference – IC-246874-J7M6**

**Request**

You asked *"Please provide the following:*

*Your current WAN supplier:  
Contract start and end date:  
Annual contract value:*

*Your current LAN supplier:  
Contract start and end date:  
Annual contract value:*

*Your current WIFI supplier:  
Contract start and end date:  
Annual contract value:*

*Current Firewall supplier:  
Contract start and end date:  
Annual contract value:*

*Current Antivirus supplier:  
Contract start and end date:  
Annual contract value:*

*Number of virtual servers:  
Supplier:  
Contract start and end date:  
Annual contract value:*

*Number of physical servers:  
Supplier:  
Contract start and end date:  
Annual contract value:*

*Data analytics supplier:  
Contract start and end date:  
Annual contract value:".*

We received your request on 24 July 2023.

We have handled your request under the provisions of the Freedom of Information Act 2000 (the FOIA). This legislation entitles a requester to recorded information held by a public authority, unless an appropriate exemption applies.

### **Our response**

I can confirm that we do hold information which you have requested.

Please find below some of the information you have requested. The rest of the information has been withheld. Please see an explanation below.

Current WAN supplier: **BT**

Current LAN supplier: **Cisco**

Current WIFI supplier: **Cisco**

Number of virtual servers: **122**  
Supplier: **Microsoft**

Number of physical servers: **8**

### **Information Withheld**

Some of the information you have requested has been withheld because it is exempt from disclosure under section 31(1)(a) of the FOIA.

Section 31(1)(a) of FOIA says:

Information is exempt if it's disclosure would "likely prejudice:

- (a) The prevention or detection of a crime,

The disclosure of some of the withheld information would directly impact on our ability to perform our duties. Clearly the ICO's capacity to defend itself from

potential cyberattacks relates to the purposes of crime prevention and thus s31(a) applies.

The exemption at section 31 is not absolute, and we must therefore consider the prejudice or harm which may be caused by disclosure of the information you have sought, as well as applying a public interest test by weighing up the factors in favour of disclosure against those in favour of maintaining the exemption.

In considering the prejudice or harm that disclosure may cause we have taken into account the factors that would, in our view, impact on the release of the information. Were the ICO to disclose the withheld information it is likely that malicious parties could use the information for targeted cyber probing/attacks.

Indeed, given the ICO's knowledge of the prevalence of malicious attacks on data controllers, it is confident in asserting that such potential cyberattacks would be the outcome of the disclosure. With this in mind, we have then considered the public interest test for and against disclosure.

In this case the public interest factors in disclosing the information are –

- Increased transparency regarding the operations of the ICO.

The factors in withholding the information are –

- the public interest in maintaining the ICO's ability to defend itself from cyberattacks and thus continue to perform its public functions.

### **FOIA section 43**

Some of the information particularly relating to annual contract value you have requested is exempt from disclosure under section 43 of the FOIA. Section 43(1) states:

*"Information is exemption information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it)."*

A 'person' may be an individual, a company, the public authority itself or any other legal entity. Our guidance on what constitutes a commercial interest states:

*"A commercial interest relates to a person's ability to participate competitively in a commercial activity."*

Section 43 is not an absolute exemption, and we must again consider the prejudice or harm which may be caused by disclosure. We also have to carry out a public interest test to weigh up the factors in favour of disclosure and those against.

We have considered the public interest test for and against disclosure.

In this case the public interest factors in disclosing the information are:

- Increased transparency

The factors in withholding the information are:

- The ICO being able to negotiate and secure services on beneficial terms that ensure the best value for money without prejudicing organisations who are contracting with. It may also harm an organisations ability to effectively negotiate with other clients besides the ICO.

Having considered these factors, we are satisfied that it is appropriate to withhold the information.

We have taken the decision that the public interest in withholding the information outweighs the public interest in disclosing it.

This concludes our response.

### **Next steps**

If you are dissatisfied and wish to request a review of our decision or make a complaint about how your request has been handled you should write to the Information Access Team at the address below or email [icoaccessinformation@ico.org.uk](mailto:icoaccessinformation@ico.org.uk).

Your request for internal review should be submitted to us within 40 working days of receipt by you of this response. Any such request received after this time will only be considered at the discretion of the Commissioner.

If having exhausted the review process you are not content that your request or

review has been dealt with correctly, you have a further right of appeal to this office in our capacity as the statutory complaint handler under the legislation.

To make such an application, please write to our Customer Contact Team at the address given or visit our website if you wish to make a complaint under the FOIA.

### **Your information**

Please note that our [Privacy notice](#) can be accessed on our website which explains what we do with the personal data you provide to us and what your rights are.

This includes entries regarding the specific purpose and legal basis for the ICO processing information that people that have provided us with, such as an [information requester](#).

The length of time we keep information is laid out in our retention schedule, which can be found on our website.

Yours sincerely,