

12 July 2024

Case reference: IC-315773-L9G6

We are now in a position to respond to your information request of 27 June.

Request

You asked us for the following:

"Under the Freedom of Information Act, I would request you to respond to questions included in the attachment..."

Your attachment included a number of the questions about our digital devices and plans to procure software, end user devices and software services.

We have handled your request under the Freedom of Information Act 2000 (FOIA).

Our response

Please find enclosed the information to which you are entitled. Some information has been withheld and further detail on this is provided below.

Section 31 FOIA

Some of the information has been withheld under section 31(1)(a) of the FOIA. This is information that relates to our information management, storage and IT infrastructure which, if disclosed, would be likely to compromise the security of these and leave us vulnerable to criminal activity by malicious actors.

Section 31(1)(a) of FOIA states that:

"Information... is exempt information if its disclosure under this Act would, or would be likely to, prejudice- (a) the prevention or detection of crime..."

As stated in our guidance, this covers "all aspects of the prevention and detection of crime" and can be used to "withhold information that would make anyone,

including the public authority itself, more vulnerable to crime for example, by disclosing its own security procedures...”.

As a data controller, we have a duty to safeguard the information that we hold. The 'security principle' of the UK GDPR, states that a data controller must process personal data securely by means of appropriate technical and organisational measures. These measures must ensure the confidentiality, integrity and availability of systems and services and the information processed within them.

It is our view that disclosure of this information would be likely to prejudice our effectiveness as a data controller and compromise our ability to protect the information we hold.

The exemption at section 31 is not absolute, and we need to consider the public interest test by weighing up the factors for and against disclosure of the information we hold, as well as any prejudice or harm which may be caused by disclosure. We have considered the public interest test for and against disclosure.

The public interest factors in favour of disclosure are:

- Increased transparency in the way in which the ICO processes and protects information.

The public interest factors in favour of maintaining the exemption are:

- There is a strong public interest in the ICO maintaining the security and integrity of the information it holds.
- The risk that, if disclosed, such information could be used by malicious actors seeking criminal access to our information and systems.

Having considered all of these factors, we have taken the decision that the public interest in withholding the information outweighs the public interest in disclosing it.

This concludes our response to your request. We hope you found this information helpful.

Next steps

You can ask us to review our response. Please let us know in writing if you want us to carry out a review. Please do so within 40 working days. You can read a copy of our full [review procedure](#) on our website.

If we perform a review but you are still dissatisfied, you can complain to the ICO as regulator of the FOIA. This complaint will be handled just like a complaint made to the ICO about any other public authority. You can [raise a complaint](#) through our website.

Your information

Our [privacy notice](#) explains what we do with the personal data you provide to us, and sets out [your rights](#). Our [Retention and Disposal Policy](#) details how long we keep information.

Yours sincerely



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