



HOUSE OF COMMONS

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28 January 2010

Dear P John

Freedom of information request

Thank you for your request for information. I am very sorry our response is late, details of how to make a complaint are given below.

You asked :

'What is the technical software specification of the Members' email client and corresponding server systems ? (ie, vendor, product, version, configuration, deployment)

- What is the specific technical incompatibility that prevents MP's using PGP?

- Is the Members email system compatible with the S/MIME encryption standard? If not, what is the specific technical incompatibility that prevents MP's using S/MIME?

- I would like to encrypt my communications with my MP. What methods of email encryption are compatible with Members' email systems?

- Will the Commons provide a directory of the encryption certificates used by MPs in order that constituents may freely encrypt their communications with their elected representatives?'



The encryption certificates used by Members and the methods which can be used to encrypt communications with Members are the responsibility of the Members themselves. Such information is therefore not held by the House of Commons.

The House of Commons does hold information concerning the specification of the Members' email client, the specific technical incompatibility that prevents MPs using PGP, and the compatibility of the Members' email system with S/MIME encryption. Nevertheless the release of that information is refused on the basis that it would prejudice the prevention of crime, and is contrary to the House obligations under another enactment, namely the Data Protection Act 1998.

In making this determination we have concluded that releasing these details of the House's computer system would make unauthorised access to that system more likely. Such access is a crime under the Computer Misuse Act 1990. This means that releasing the information would prejudice the prevention of crime. We are therefore of the opinion that the information requested is exempt information as provided by section 31(1)(a) of the Freedom of Information Act 2000 ('FOIA'). Section 31 is not an absolute exemption; rather it is subject to a public interest test. We have considered the application of the public interest test to section 31 in the circumstances of your request.

There is a public interest that the House should operate in a transparent and accountable manner. There is a countervailing public interest in the prevention of crime. The disclosure of the information which you seek would give people an opportunity to circumvent our computer security. This would not only be a crime of itself, it could also cause more crimes (such as fraud or dishonesty) to take place. In all the circumstances of the case it is our view that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Furthermore, section 4(4) of the Data Protection Act 1998 ('DPA') requires the House to observe the Data Protection Principles found in Schedule 1 of that Act. Therefore the DPA effectively prohibits processing information in a manner which breaches those principles. Principle 7 of that Schedule requires that: Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

We have concluded that releasing the information which you have requested would make it more likely that unauthorised people could access our computer system. That system contains information protected by the Data Protection Act 1998. Accordingly we have a statutory obligation to maintain the integrity of that system; releasing the information you have requested would breach Principle 7. We are prohibiting by the DPA from acting in that way. We therefore believe that that information is exempt information under section 44(1)(a) of the FOIA. This is an absolute exemption and the public interest test does not apply.

Mr. Speaker, as the qualified person mentioned in section 36(5)d of the FOIA has also decided that disclosure of the information you seek would be likely to prejudice the effective conduct of public affairs. The House therefore wishes to invoke the exemption under section 36 in respect of the information you request. This is an absolute exemption and the public interest test does not apply.

You may, if dissatisfied with the treatment of your request, ask the House of Commons to conduct an internal review of this decision. Requests for internal review should be addressed to: Freedom of Information Officer, Department of resources, House of Commons, London SW1A 0AA or foicommons@parliament.uk. Please ensure that you specify the nature of your complaint and any arguments or points that you wish to make. If the decision to apply section 36 of the 2000 Act in respect of your request is upheld by review, a certificate signed by the Speaker may be issued. This certificate would provide conclusive evidence that the exemption was required for the purpose described above.

Yours sincerely

A handwritten signature in black ink that reads "BCastle". The letters are cursive and somewhat stylized.

Bob Castle
Head of Information Rights and Information Security