



Department
of Energy &
Climate Change

Mr Nick Heath
request-266433-fd4796fc@whatdotheyknow.com

Ref No: FOI2015/08217

18th June 2016

Dear Mr Heath

**INTERNAL REVIEW OF FREEDOM OF INFORMATION REQUEST
FOI2015/08217**

I am writing in response to your request for an internal review of the above case. I have now reviewed the information which was withheld by the Department in its response to your original request. I set out my decision below.

Your original request was made on 1st May 2015 and asked for the following information:

How many computers are still running Windows XP?

When do you anticipate you will transition all of these XP machines to a new operating system? Which operating system are you switching these machines to?

What parts of the department are these machines mainly used in?

How are you securing the XP machines in the interim period before their operating system is replaced?

Have you taken out an Extended Support deal with Microsoft to update these XP machines?

What is the cost of this Extended Support deal?

When does this Extended Support deal expire?

The Department responded to your request on 15th May 2015. The Response explained that **The Department confirms it holds some information falling within the description specified in your request. However the information requested is being withheld under Section 31 [Law enforcement] of the Act. It would not be in the interest of the Department to provide specific information about the version of operating systems**



in use, as this could enable individuals to deduce how vulnerable or otherwise UK Government offices are to criminal cyber-attacks. This is not in the public interest.

Any attempt to gain unauthorised access to an IT system is a criminal offence, so the information you have requested is being withheld under Section 31(1)(a) of the Act, which states that information is exempt if its disclosure would or would be likely to prejudice the prevention or detection of a crime. The exemption in Section 31 is qualified and therefore subject to the balance of the public interest. This means that a public interest test must be carried out to determine whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information, as set out below.

In favour of release, we acknowledge that disclosure of information regarding the Department's computer systems, organised by operating systems would provide assurance that the Department is protecting its IT systems appropriately, and does not leave them unnecessarily vulnerable to attack. However, in favour of not providing the information requested we consider that public confirmation of the version of operating system in use would provide information useful to those wishing to harm the Department's IT systems. This may enable them to continue their cyber-attacks, or may damage any attempt to identify them via law enforcement agencies. Having considered the public interest, the Department's decision is to withhold this information.

In compliance with the Freedom of Information Act 2000 ('the Act') I have conducted an internal review of the original response. In performing this review I have considered whether the original response to your request was correct.

The exemption under Section 31 [Law enforcement] of the Act provides that information is exempt from disclosure if the disclosure provides specific information about the version of operating systems in use, as this could enable individuals to deduce how vulnerable or otherwise UK Government offices are to criminal cyber-attacks. We believe that the release of this information would put the department at risk.

This exemption is subject to the public interest test. The application of the test has been reviewed and it is considered that there is a strong public interest to uphold the law which engages the exemption.



Department
of Energy &
Climate Change

Having considered the information being withheld in the light of your request for an internal review, I have concluded that the exemption at section 31 Law Enforcement of the FOI Act applies. The Department has thus decided to continue to withhold this information under this exemption of the FoIA.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Yours sincerely,

John Brown
IT Director – Infrastructure and Information Services
55 Whitehall, London, SW1A 2EY
0300 060 4000
www.gov.uk/government/organisations/department-of-energy-climate-change