



# Ministry of Justice

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Our Ref: 106092

5 July 2016

Dear Mr Gilliatt

## **Freedom of Information Act 2000 (FOIA) – Outcome of Internal Review**

Thank you for your email of 21 June 2016 in which you requested an Internal Review of the response to FOI 105895.

You have asked that we consider whether the public interest is better served by disclosing the information, knowing that a person who has been dealing with the body believes that on the balance of probabilities he is being lied to, and the disclosure may help provide a solution as to whether there are grounds for that belief.

The purpose of an Internal Review is to assess how your FOI request was handled in the first instance and to determine whether the original decision given to you was correct. This is an independent review and I can confirm I was not involved in the original decision.

I have reassessed your case and after careful consideration I have concluded that the initial response that was sent to you was compliant with the requirements of the FOIA. I set out below an explanation for my decision.

Your original request, sent by email on 13 June 2016, asked for disclosure of “all instances of computer virus issues recorded by the IT department at Grimsby Magistrates’ Court between December 2015 and March 2016 with a brief description of each threat.” You were sent a response to that request on 21 June 2016 which was within the statutory 20 day deadline. The response confirmed that the MoJ holds the information requested but that this was exempt from disclosure under section 31 of the FOIA.

I have reassessed your case and after careful consideration I have concluded that the initial response was compliant and we were correct in citing section 31(1)(a) (prevention of crime) of the FOIA. In doing so I have addressed the public interest tests which were applied both for against disclosure.

The public interest test argument against disclosure concerned the vulnerability of the MoJ’s systems and the consequences of any security breach. In addressing these I have considered the following points:

**Arguments in favour of disclosure:**

- Disclosure of the information would be consistent with policies for greater transparency about the uses of, and accountability for, public expenditure.
- It is also in the public interest to know that a public authority has measures in place to protect information in their possession and to mitigate the impact of a malware attack

**Arguments against disclosure:**

- Disclosure of any information about the security systems on computer systems would make them more vulnerable to interference by potentially assisting criminal activity.
- Details of whether the IT department at Grimsby Magistrates' Court has suffered from any computer virus issues would provide information which could be used maliciously against our systems. It could also prejudice both the prevention and detection of a crime, and/or the apprehension of offenders
- Attempts to breach the security of Government IT systems could lead to a loss of confidentiality, integrity and potential availability of information on an ICT system. Consequences of potential security breaches may include some or all of the following

Having considered the arguments for and against disclosure I am satisfied that the response you received on 21 June 2016 was correct.

You have the right to appeal our decision if you think it is incorrect. Details can be found in the 'How to Appeal' section attached at the end of this letter.

Disclosure Log

You can also view information that the MoJ has disclosed in response to previous FOI requests. Responses are anonymised and published on our on-line disclosure log which can be found on the MoJ website:

<http://www.justice.gov.uk/information-access-rights/latest-disclosure-log>

The published information is categorised by subject area and in alphabetical order.

Yours sincerely

**Jo Weaver**

## **How to Appeal**

### **Information Commissioner's Office**

If you remain dissatisfied after an internal review decision, you have the right to apply to the Information Commissioner's Office. The Commissioner is an independent regulator who has the power to direct us to respond to your request differently, if he considers that we have handled it incorrectly.

You can contact the Information Commissioner's Office at the following address:

Information Commissioner's Office,  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire  
SK9 5AF

Internet address: [https://www.ico.org.uk/Global/contact\\_us](https://www.ico.org.uk/Global/contact_us)