

Our ref: 31750778
8 December 2021

Rebecca Moody
???

Account reference:request-807038-e578e659@whatdotheyknow.com

Freedom of Information Act 2000

Dear Rebecca Moody

I am writing further to your Freedom of Information request. Please see our response below:

Request

Please find below my FOI request regarding malicious emails sent to the council.

The date range for the requests is from 2018 to present day. The data shall include a breakdown by year.

1. How many malicious emails (e.g. phishing emails) have been successfully blocked?
2. What percentage of malicious emails were opened by staff?
3. What percentage of malicious links in the emails were clicked on by staff?
4. How many ransomware attacks were blocked?
5. How many ransomware attacks were successful?

Response

In considering requests for information under the Freedom of Information Act 2000, a public authority may decide that the information requested is exempt from disclosure. This, in turn, may require the public authority to apply a public interest test to ensure it is satisfied that the public interest in withholding the information is greater than the public interest in disclosing it.

The Council considers that the information you have requested (Questions 1-5), which we have identified above, is exempt from disclosure under Section 31(1)(a) of the Freedom of Information Act (FOIA).

S31 Law Enforcement - the prevention or detection of crime

Birmingham City Council are unable to provide you with some of the information you have requested because it is exempt from disclosure under section 31(1) (a) of the FOIA.

Section 31 (1) (a) exempts information if its disclosure under the FOIA would or would be likely to prejudice the prevention or detection of crime.

Section 31 is a qualified exemption and we are required to conduct a prejudice and public interest test. This means that after it has been decided that the exemption is engaged, the public interest in releasing the information must be considered. If the public interest in disclosing the information outweighs the public interest in withholding it then the exemption does not apply and the information must be released. In the FOIA there is a presumption that information should be released unless there are compelling reasons to withhold it.

The Prejudice Test

This exemption applies because the disclosure of this information would be likely to prejudice the prevention or detection of cyber-crime. We consider that revealing such information about our cyber security, including any data relating to infringements or potential vulnerabilities would make our information network and systems vulnerable to targeted and opportune cyber-criminal activity. In the current cyber security environment, the release of such information would increase the risk of a cyber-attack and thereby inhibit our ability to safeguard our systems and protect our information network.

The Public Interest Test

Section 31(1)(a) is a qualified exemption which means that even where the exemption is engaged, information can only be withheld where the public interest in maintaining that exemption outweighs the public interest in disclosure.

The matters which were considered in applying the public interest test are as follows:-

Factors in favour of disclosing:

Birmingham City Council acknowledges that there is a general public interest argument in ensuring transparency in the activities of public authorities, therefore we always strive to be open and transparent in all our dealings.

Factors in favour of withholding:

However, release of this information would make Birmingham City Council more vulnerable to crime. The crime in question here would be a malicious attack on Birmingham City Council's computer systems. As such there is a public interest in the Council taking steps to prevent and reduce the risk of harm to its ICT infrastructure. The disclosure of this information would be likely to place our systems at risk of opportune cybercrime which in turn would place customer data and our infrastructure, in terms of service delivery, at risk. This would outweigh any benefits of release. It has therefore been decided that the balance of the public interest lies clearly in favour of withholding the material on this occasion.

The public interest has now been concluded and the balance of the public interest has been found to fall in favour of withholding information covered by the section 31(1) (a) exemption.

It is considered that the greater public interest therefore lies in not providing the information at this time. In coming to that conclusion, the public interest in providing the information has been carefully weighed against any prejudice to the public interest that might arise from withholding the information; in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

This response therefore acts as a refusal notice under section 17 of the FoIA.

Please quote the reference number 31750778 in any future communications.

If you are dissatisfied with our response to your request, you have the right to ask for an internal review. Internal review requests should be submitted within 40 working days from the date this authority issued its initial response to your original letter and should be addressed to:

Corporate Information Governance Team
PO Box 16366
Birmingham
B2 2YY
Email: infogovernance@birmingham.gov.uk

If you are still dissatisfied with the Council's response after the internal review you have a right of appeal to the Information Commissioner at:

Corporate Information Governance Team
Digital & Customer Services
PO Box 16366
Birmingham
B2 2YY

The Information Commissioner's Office

Website: www.ico.org.uk

I will now close your request as of this date.

Yours faithfully

Corporate Information Governance Team

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