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FAO: Jim Killock
Open Rights Group

20 July 2017

Dear Jim Killock,

FREEDOM OF INFORMATION REQUEST REFERENCE NO: FOI-093-2017

I write in connection with your request for information which was received by the University of Wolverhampton, in which you seek access to the following information:

Can you please supply:

(1) your policy or policy guidance for duties under the Counter-Terrorism and Security Act 2015 duties for the various local authorities listed in Schedule 6, known as "Prevent";

(2) your policy relating to Internet filtering, blocking and prevention of access to material deemed inappropriate;

(3) the name of any providers of Internet filtering and blocking services that you use, or else a statement that you do not block or filter content at all;

(4) a list of agreements, arrangements or Memorandums of Understanding between yourselves and bodies such as the Internet Watch Foundation (IWF), the Counter Terrorism Internet Referral Unit (CTIRU) of the Metropolitan Police Service (MPS), or Police Intellectual Property Crime Unit (PIPCU) of the City of London Police, to receive lists of illegal or illicit content, for instance for the purposes of blocking.

Finally, can you:

(5) tell me if any filtering or blocking service that you use incorporates lists from the IWF, CTIRU or PIPCU, and which lists are incorporated; and

(6) provide to me any clauses within any contract or terms and conditions of service agreed with your filtering and blocking providers that relate to their use of information from the IWF, CTIRU or PIPCU.

Following your request searches were conducted to identify information relevant to your request. We can confirm that some of the information requested is held by the University of Wolverhampton and has been detailed below:

1. Please find attached a copy of the general guidance to all staff, which reflects the University's approach to the Prevent duty as an extension of our safeguarding responsibilities.

2. The University of Wolverhampton does not have a policy on Internet filtering, blocking and prevention of access.

We regret to advise you that the University of Wolverhampton is not prepared to disclose the information requested in questions 3 - 6 inclusive, as this information is exempt from disclosure: section 31 of the FOIA.

The University of Wolverhampton has rigorous IT security measures and systems in place to ensure the protection of the University's IT network, infrastructure and applications. The University considers that the release of such information would prejudice general law enforcement activities and the conduct of public affairs.

Section 1 of the Freedom of Information Act 2000 (FOIA) places 2 duties on public authorities. Unless exemptions apply, the first duty at Section 1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at Section 1 (1)(b) is to disclose information that has been confirmed as being held. Where exemptions are relied upon Section 17 of the Freedom of Information Act 2000 requires that we provide the applicant with a notice which:

- (a) states that fact
- (b) specifies the exemption(s) in question and
- (c) states (if that would not otherwise be apparent) why the exemption applies.

The University of Wolverhampton can neither confirm nor deny that it holds information relevant to your request as the duty in Section 1 (1) (a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions:

Section 31(3) Law Enforcement

The Freedom of Information Act 2000 makes it a legal requirement that an authority has to not only provide information, unless it is exempt, but also to confirm whether or not that information is held, unless to do so would in itself provide exempt information. In this case to confirm or deny that the requested information is held would in itself provide confirmation as to the existence, or otherwise allow for compromise of the University's IT security.

However, this should not be taken as conclusive evidence that the information you have requested does or does not exist, as this could reveal intelligence to hackers about the status of University's software and applications which could be used to their advantage.

For example a hacker could identify possible areas of weakness in the University's IT security, which would make the University appear to be an easy target thereby moving the focus of their activity.

No inference can be taken from this refusal that the information you have requested does or does not exist.

Whilst there may be public interest in the transparency of IT operations at the University and in this case providing the requested information, there is a very strong public interest in safeguarding operations in the area of IT for the purposes of security.

Information that undermines the integrity of the organisations IT security will adversely affect the University, its staff and students, and have a negative impact on University operations and law enforcement.

Furthermore, the information or arrangements provided or received from the relevant authorities is information provided/received in confidence and stands exempt under Section 41(1) (a) (b) Information Provided in Confidence.

It has long been recognised that the supply of data concerning this type of activity between the relevant authorities is critical in crime detection and prevention. In many cases, data is only supplied as a result of assurances of confidentiality.

Section 41 is a class based absolute exemption and as such the legislators have identified that there would be harm in disclosure and there is no need to evidence this or carry out a public interest test.

In accordance with the Freedom of Information Act 2000, please treat this letter as the Refusal Notice which I am required to provide to you in relation to this part of your request.

We hope the information provided in this email answers your query. If you are dissatisfied with our response please contact us with the details of your dispute either in response to this email or via the University of Wolverhampton website: http://www.wlv.ac.uk/PDF/foi_compl_proc.pdf and we will review our response.

If you are still dissatisfied with the outcome of the review, you can appeal directly to the Information Commissioner at the following address: <http://www.ico.gov.uk>

Should you have any further enquiries concerning this matter, please do not hesitate to contact the University.

Yours sincerely,

Ieva Zulyte
Data Protection and Freedom of Information Officer