

Steve Elibank
request-31040-8ac4fb41@whatdotheyknow.com
(by email only)

19 April 2010

Dear Mr. Elibank,

FREEDOM OF INFORMATION ACT 2000

I am writing in response to your email of 18 March 2010, in which you made the following requests under the freedom of Information Act 2000:

... please provide me with a **full** copy of the Manual of Protective Security, and a **full** copy of the Security Policy Framework: not the redacted/limited version(s) made available online.

Please note that I have dealt with your requests for the Manual of Protective Security and the Security Policy Framework separately.

Manual of Protective Security (MPS)

Please find enclosed a copy of the relevant information which may be released to you. Further relevant information held by the Cabinet Office is exempt from release under the provisions of the Act, as outlined below.

Some of the withheld information is already in the public domain and is therefore exempt under Section 21 (1) (Information accessible by other means) of the Act. Section 21 is an absolute exemption, and so not subject to a public interest test, and applies to three published documents. The first is a standard relating to information security management (BS 7799) which is published by the British Standards Institute (their website is www.bsi-global.com). The second is a business continuity assessment tool published by the Business Continuity Institute (their website is www.thebci.org). The third has been published as a best practice guide and is available under the title: Risk management and accreditation of information systems. This report is can be found on the CPNI website at: <http://www.cpni.gov.uk/docs/re-20050804-00653.pdf>.

Some of the information is covered by section 23 (information supplied by, or relating to, bodies dealing with security matters) of the Act. Section 23 is also an absolute exemption.

The remaining exemptions which apply to the withheld information are subject to the balance of the public interest. The public interest test, as set out in section 2 of the Act, requires us to consider whether, in all the circumstances of the case, the public interest in maintaining an exemption outweighs the public interest in disclosure. We required further time to consider the public interest test in relation to these exemptions before we could decide whether or not to disclose the information.



- section 24(1) (National Security), to the extent that the information includes detailed guidance on security measures required to protect government buildings, staff and information, exemption is required to protect national security;
- section 27(1)(a) (International Relations) to the extent that information relates to matters of international co-operation on security matters, disclosure would prejudice relations between the United Kingdom and another State.
- section 31(1)(g), in conjunction with section 31(2)(b), as disclosure would prejudice the exercise by public authorities of their functions for the purpose of ascertaining whether any person is responsible for any conduct which is improper.

While it is in the public interest to be assured that government assets are properly protected, we consider release of this information would undermine security measures to such an extent as to cause harm to national security. The MPS sets out comprehensive, authoritative guidance on security practices. Disclosure could provide individuals/groups seeking to plan/carry out an attack on government assets with the detailed information necessary to circumvent government security controls. Furthermore, disclosure of the details of security measures between the United Kingdom and other States is likely to erode the basis of confidentiality and trust on which such discussions are conducted, and will consequently reduce the United Kingdom's ability to hold full and frank discussions with other States.

In addition, whilst maintaining confidence that unofficial disclosures are effectively investigated is in the public interest, we judge that disclosure of the details of the policies and procedures of such investigations would undermine their deterrent effect. Thus we do not consider that the public interest in disclosure outweighs the public interest in maintaining an effective operational capability for future investigations.

Copyright and Appeals:

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Security Policy Framework (SPF)

Some of the information concerning core security principles and mandatory requirements is already in the public domain (<http://www.cabinetoffice.gov.uk/spf.aspx>) and is therefore exempt under Section 21(1) (Information accessible by other means) of the Act.

Some of the information is exempt under section 23 (information supplied by, or relating to, bodies dealing with security matters) of the Act.

Both sections 21 and 23 are absolute and do not require consideration of the public interest.

The Freedom of Information Act 2000 obliges us to respond to requests promptly and in any case no later than 20 working days after receiving your request. However, when qualified exemptions apply to the information and the public interest test is engaged, the Act allows the time for response to be longer than 20 working days, and a full response must be provided within such time as is reasonable in all circumstances of the case. We do, of course, aim to make all decisions within 20 working days, including in cases where we need to consider where the public interest lies in respect of a request for exempt information. In this case, however, we have not yet reached a decision on where the balance of the public interest lies in respect of qualified exemptions.

In your case we estimate that it will take an additional 20 working days to take a decision on where the balance of the public interest lies. Therefore, we plan to let you have a response by 19 May 2010. If it appears that it will take longer than this to reach a conclusion, we will keep you informed.

The qualified exemptions which apply in relation to your request are sections 24, 27 and 31.

24 National security

(1) Information which does not fall within section 23(1) is exempt information if exemption from section 1(1)(b) is required for the purpose of safeguarding national security.

(2) The duty to confirm or deny does not arise if, or to the extent that, exemption from section 1(1)(a) is required for the purpose of safeguarding national security.

(3) A certificate signed by a Minister of the Crown certifying that exemption from section 1(1)(b), or from section 1(1)(a) and (b), is, or at any time was, required for the purpose of safeguarding national security shall, subject to section 60, be conclusive evidence of that fact.

(4) A certificate under subsection (3) may identify the information to which it applies by means of a general description and may be expressed to have prospective effect.

27 International relations

(1) Information is exempt information if its disclosure under this Act would, or



would be likely to, prejudice—

- (a) relations between the United Kingdom and any other State,
- (b) relations between the United Kingdom and any international organisation or international court,
- (c) the interests of the United Kingdom abroad, or
- (d) the promotion or protection by the United Kingdom of its interests abroad.

(2) Information is also exempt information if it is confidential information obtained from a State other than the United Kingdom or from an international organisation or international court.

(3) For the purposes of this section, any information obtained from a State, organisation or court is confidential at any time while the terms on which it was obtained require it to be held in confidence or while the circumstances in which it was obtained make it reasonable for the State, organisation or court to expect that it will be so held.

(4) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a)—

- (a) would, or would be likely to, prejudice any of the matters mentioned in subsection (1), or
- (b) would involve the disclosure of any information (whether or not already recorded) which is confidential information obtained from a State other than the United Kingdom or from an international organisation or international court.

(5) In this section—

“international court” means any international court which is not an international organisation and which is established—

- (a) by a resolution of an international organisation of which the United Kingdom is a member, or
 - (b) by an international agreement to which the United Kingdom is a party;
- “international organisation” means any international organisation whose members include any two or more States, or any organ of such an organisation;

“State” includes the government of any State and any organ of its government, and references to a State other than the United Kingdom include references to any territory outside the United Kingdom.

31 Law enforcement

(1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice—

- (a) the prevention or detection of crime,
- (b) the apprehension or prosecution of offenders,
- (c) the administration of justice,
- (d) the assessment or collection of any tax or duty or of any imposition of a similar nature,
- (e) the operation of the immigration controls,
- (f) the maintenance of security and good order in prisons or in other institutions where persons are lawfully detained,
- (g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2),



(h) any civil proceedings which are brought by or on behalf of a public authority and arise out of an investigation conducted, for any of the purposes specified in subsection (2), by or on behalf of the authority by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under an enactment, or

(i) any inquiry held under the [1976 c. 14.] Fatal Accidents and Sudden Deaths Inquiries (Scotland) Act 1976 to the extent that the inquiry arises out of an investigation conducted, for any of the purposes specified in subsection (2), by or on behalf of the authority by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under an enactment.

(2) The purposes referred to in subsection (1)(g) to (i) are—

(a) the purpose of ascertaining whether any person has failed to comply with the law,

(b) the purpose of ascertaining whether any person is responsible for any conduct which is improper,

(c) the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise,

(d) the purpose of ascertaining a person's fitness or competence in relation to the management of bodies corporate or in relation to any profession or other activity which he is, or seeks to become, authorised to carry on,

(e) the purpose of ascertaining the cause of an accident,

(f) the purpose of protecting charities against misconduct or mismanagement (whether by trustees or other persons) in their administration,

(g) the purpose of protecting the property of charities from loss or misapplication,

(h) the purpose of recovering the property of charities,

(i) the purpose of securing the health, safety and welfare of persons at work, and

(j) the purpose of protecting persons other than persons at work against risk to health or safety arising out of or in connection with the actions of persons at work.

(3) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice any of the matters mentioned in subsection (1).

If you are unhappy with the service you have received in relation to your request or wish to request an internal review, you should write to:

Sue Gray
Director
Cabinet Office
70 Whitehall
London
SW1A 2AS

email: foiteam@cabinet-office.x.gsi.gov.uk

You should note that the Cabinet Office will not normally accept an application for internal review if it is received more than two months after the date that the reply was issued.



If you are not content with the outcome of your internal review, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by Cabinet Office. The Information Commissioner can be contacted at:

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

Please contact me if you have any queries about this letter.

Yours sincerely,



Y. YASMINE EDWARDS



INVESTOR IN PEOPLE

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