

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.ukdisclosure@wiltshire.pnn.police.uk

Lee Murray request-756957-8968b726@whatdotheyknow.com

Date: 18th June 2021

Your ref: FOI

Our ref: FOI 2021 / 458

Reply contact name is: Kerry Merritt

Dear Lee,

I write in connection with your request for information dated 20th May 2021 concerning Windows 7 and XP Instances.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Your request for information has now been considered and it is not possible to meet your request in full.

You wrote:

1. How many instances of the Microsoft Windows 7 Operating System are currently in operation across your entire network? How many devices such as kiosks, lap tops etc are still running Windows 7?
2. How many instances of the Microsoft Windows XP Operating System are currently in operation across your entire network ? How many devices such as kiosks, lap tops etc are still running Windows XP?
3. Who is the officer responsible for maintaining and delivering legacy applications to all your users?

Our response:

Wiltshire Police can neither confirm nor deny that information is held relevant to questions 1- 2 of 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 24(2) National Security**Section 31(3) Law Enforcement**

INVESTOR IN PEOPLE

Sections 24 and 31 being prejudice based qualified exemptions, both evidence of harm and public interest considerations need to be articulated to the applicant.

Harm in Confirming or Denying that Information is held

Policing is an information-led activity, and information assurance (which includes information security) is fundamental to how the Police Service manages the challenges faced. In order to comply with statutory requirements, the College of Policing Authorised Professional Practice for Information Assurance has been put in place to ensure the delivery of core operational policing by providing appropriate and consistent protection for the information assets of member organisations, see below link:

<https://www.app.college.police.uk/app-content/information-management/>

To confirm or deny whether Wiltshire Police uses a certain operating system would identify vulnerable computer systems and provide actual knowledge, or not, that this software is used within individual force areas. In addition, this would have a huge impact on the effective delivery of operational law enforcement as it would leave forces open to cyberattack which could render computer devices obsolete.

This type of information would be extremely beneficial to offenders, including terrorists and terrorist organisations. It is vitally important that information sharing takes place with other police forces and security bodies within the UK to support counter-terrorism measures in the fight to deprive terrorist networks of their ability to commit crime.

To confirm or deny whether or not Wiltshire Police relies on a certain operating system would be extremely useful to those involved in terrorist activity as it would enable them to map vulnerable information security databases.

Public Interest Considerations

Section 24(2) National Security

Factors favour complying with Section 1(1)(a) confirming that information is held

The public are entitled to know how public funds are spent and how resources are distributed within an area of policing. To confirm whether Wiltshire Police utilises Windows XP/7 would enable the general public to hold Wiltshire Police to account by highlighting the use of out of date software. In the current financial climate of cuts and with the call for transparency of public spending this would enable improved public debate into this subject.

Factors against complying with Section 1(1)(a) confirming or denying that information is held

Security measures are put in place to protect the community we serve. As evidenced within the harm to confirm information is held would highlight to terrorists and individual's intent on carrying out criminal activity vulnerabilities within Wiltshire Police.

Taking into account the current security climate within the United Kingdom, no information (such as the citing of an exemption which confirms information pertinent to this request is held, or conversely, stating 'no information is held') which may aid a terrorist should be disclosed. To what extent this information may aid a terrorist is unknown, but it is clear that it will have an impact on a force's ability to monitor terrorist activity.

Irrespective of what information is or isn't held, the public entrust the Police Service to make appropriate decisions with regard to their safety and protection and the only way of reducing risk is to be cautious with what is placed into the public domain.

The cumulative effect of terrorists gathering information from various sources would be even more impactful when linked to other information gathered from various sources about terrorism. The more information disclosed over time will give a more detailed account of the tactical infrastructure of not only a force area, but also the country as a whole.

Any incident that results from such a disclosure would, by default, affect National Security.

Section 31(3) Law Enforcement

Factors favouring complying with Section 1(1)(a) confirming that information is held

Confirming that information exists relevant to this request would lead to a better informed public which may encourage individuals to provide intelligence in order to reduce the risk of police networks being hacked.

Factors against complying with Section 1(1)(a) neither confirming nor denying that information is held

Confirmation or denial that information is held in this case would suggest Wiltshire Police take their responsibility to protect information and information systems from unauthorised access, destruction, etc., dismissively and inappropriately. There is a strong public interest in the efficient use of public resources, to confirm if the information exists could lead to cyber-attacks resulting in inefficient resources and a loss of public trust in the Police Force.

Balancing Test

The points above highlight the merits of confirming or denying the requested information exists. The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. As part of that policing purpose, information is gathered which can be highly sensitive relating to high profile investigative activity.

Weakening the mechanisms used to monitor any type of criminal activity, and specifically terrorist activity would place the security of the country at an increased level of danger.

In order to comply with statutory requirements and to meet NPCC expectation of the Police Service with regard to the management of information security a national policy approved by the College of Policing titled National Policing Community Security Policy has been put in place. This policy has been constructed to ensure the delivery of core operational policing by providing appropriate and consistent protection for the information assets of member organisations. A copy of this can be found at the below link:

<http://library.college.police.uk/docs/APP-Community-Security-Policy-2014.pdf>

In addition, anything that places that confidence at risk, no matter how generic, would undermine any trust or confidence individuals have in the Police Service. Therefore, at this moment in time, it is our opinion that for these issues the balance test favours neither confirming nor denying that information is held.

Question 3: Who is the officer responsible for maintaining and delivering legacy applications to all your users? **Mark Levitt Deputy Head of ICT**

Section 17 of the Freedom of Information Act 2000 requires the Wiltshire Police, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

The exemption applicable to the information requested is:

Section 24(2) National Security

Section 31(3) Law Enforcement

I am satisfied that all the relevant information has been passed to me and been considered in the light of your request within the time constraints applicable under the legislation.

Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely,

Kerry Merritt
Disclosure Decision Maker

Wiltshire Police offers a re-examination of your case under its review procedure.



Force Disclosure Unit

Wiltshire Police HQ, London Road, Devizes, Wiltshire SN10 2DN
Telephone 101 ext 62005

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Wiltshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing to the:
Force Disclosure Unit
Wiltshire Police Headquarters,
London Road, Devizes,
Wiltshire,
SN10 2DN

Email at disclosure@wiltshire.pnn.police.uk.

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Force Disclosure Unit within 20 working days of the Force's response to the original FoI request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing to include confirmation of the reasons for the review. The review will be conducted by another Decision Maker, who is independent from the original Decision Maker. The Force Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within twenty working days. In more complex cases the review may take up to 40 working days.

The Independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Decision Maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545 700
Fax: 01625 524 510
Email: mail@ico.gsi.gov.uk