



20<sup>th</sup> September 2019

## Freedom of Information Request Reference N<sup>o</sup>: FOI 002800/19

I write in connection with your request for information received by the Norfolk and Suffolk Constabularies on the 5<sup>th</sup> August 2019 in which you sought access to the following information:

I am writing with a request about cyber security under the Freedom of Information Act 2000.

### REQUEST 1

Could you please tell me how many incidents of cyber-attacks you have recorded since the beginning of 2017?

Of these can you tell me how many incidents were referred to external sources including the police, the National Crime Agency and the National Cyber Security Centre?

And how many of these incidents were handled internally?

### REQUEST 2

CHECK is the umbrella term for the National Cyber Security Centre approved penetration test companies and the method in which they conduct a penetration test.

Could you please tell me whether you have had a CHECK test in i) 2016/17, ii) 2017/18 and iii) 2018/19?

Could you also tell me what cyber security do you have aside from CHECK work including the following i) user education ii) other penetration tests iii) internal security team iv) other.

### CLARIFICATION:-

Attacks on constabulary systems please.

## Response to your Request

The response provided below is correct as of 9<sup>th</sup> September 2019.

Norfolk and Suffolk Constabularies have located the following information as relevant to your request.

### Request 1

The definition of a cyber-attack is an attempt by hackers to damage or destroy a computer network or system.

The Constabularies have not experienced any such attack in the time period requested.

### Request 2

Norfolk and Suffolk Constabularies will **neither confirm nor deny** whether any information is held in respect of these questions.

Section 1 of the Freedom of Information Act 2000 (FOIA) places two 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 FOIA requires that we provide the applicant with a notice which:-

- a) States that fact
- b) Specifies the exemptions in question, and
- c) States (if that would not otherwise be apparent) why the exemptions apply

The Constabularies can **neither confirm nor deny** whether the information you have requested is or isn't held, as the duty in section 1(1)(a) of the FOIA does not apply by virtue of the following exemptions:-

- **Section 24(2) – National Security**
- **Section 31(3) – Law Enforcement**

Sections 24 and 31 are prejudice based qualified exemptions and there is a requirement to articulate the harm that would be caused in confirming or not that the information is held as well as carrying out a public interest test.

#### Overall Harm

To confirm or deny whether information of this nature is or isn't held could highlight a particular vulnerability within a force that could be targeted by criminals or terrorists in order to prejudice operational policing and damage the nation's infrastructure.

By confirming or denying whether the Constabularies hold any information regarding this request would in itself disclose exempt information. Confirming information is held, by citing a substantive exemption, would confirm penetration testing has taken place, whereas, on the flip side, to say no information is held would confirm that no such testing has taken place.

If the Constabularies were to highlight that they were not involved in penetration testing or highlighted vulnerabilities within a penetration test, if it occurred, this information could lead to criminals and terrorists targeting those force areas. Providing information of this nature, terrorists and criminals may look to infiltrate those force areas with 'fake' identification in the hopes to get to sensitive areas and either cause harm or to extrapolate sensitive information. Criminals and terrorists would likely assume that these forces are not effectively set up to challenge unknown individuals as they are not tested.

Moreover, during a time when the current threat level from terrorism is classified as 'severe' (see link below), we would not want to provide any information that allows those involved in terrorism related offences to improve their operations.

<https://www.mi5.gov.uk/threat-levels>

The security of the Country is of paramount importance and the Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. As much as there is a public interest in knowing that policing activity is appropriate and balanced in matters of National Security, this will only be overridden in exceptional circumstances.

The public entrust the Police Service to make appropriate decisions with regard to their safety and protection. The only way of reducing risk is to be cautious with any information that is released.

#### Section 24 - Factors favouring confirmation or denial as to whether information is or isn't held

The public are entitled to know how public funds are used and what resources are allocated within an area of policing. In this case, where funds are used to ensure that IT systems are securely protected.

#### Section 24 - Factors against confirmation or denial as to whether information is or isn't held

Confirming or denying whether information is or isn't held could render security measures less effective, impeding our ability to protect the security and infra-structure of the UK and increase the risk of harm to the public.

The threat from terrorism cannot be ignored. It is generally recognised that the international security landscape is increasingly complex and unpredictable.

#### Section 31 - Factors favouring confirmation or denial as to whether information is or isn't held

Better awareness may reduce crime and lead to more information being provided by the public. The public would be able to take steps to protect themselves.

#### Section 31 - Factors against confirmation or denial as to whether information is or isn't held

Law enforcement tactics would be compromised and this would hinder the prevention or detection of crime. This would impact on police resources, more crime would be committed and individuals placed at risk.

Confirming or denying whether information is held would in itself disclose exempt information. Stating information is held would confirm testing and the opposite if there is no such information. This would be useful information for those involved in criminal activities.

#### Balance Test

The security of the Country is of paramount importance and the Police Service will not divulge whether information is or isn't held, if to do so would undermine National Security or compromise law enforcement.

There is a public interest in the transparency of policing operations and, in this case, providing assurance that the police service is appropriately and effectively engaging with the threat posed by the criminal fraternity. There is a very strong public interest in safeguarding both national security and the integrity of police investigations and operations.

The public entrust the Police Service to make appropriate decisions with regard to their safety and protection. The only way of reducing risk is to be cautious with any information that is released.

As much as there is a public interest in knowing that policing activity is appropriate and balanced in matters of national security, this will only be overridden in exceptional circumstances. Therefore it is our opinion, that for these reasons, the balancing test for confirming or denying whether any information is or isn't held, is not made out.

***None of the above can be viewed as an inference that information does or does not exist.***

This response will be published on the Constabularies web-site under the Freedom of Information pages:-

<https://www.norfolk.police.uk/about-us/our-data/disclosure-log>

<https://www.suffolk.police.uk/services/freedom-information/disclosure-logs>

Should you have any further queries concerning this request, please contact Amanda Gibson, FOI Decision Maker, quoting the reference number shown above.

A full copy of the Freedom of Information Act (2000) can be viewed on the 'Office of Public Sector Information' web-site;  
<http://www.opsi.gov.uk/>

Norfolk and Suffolk Constabularies are not responsible for the content, or the reliability, of the website referenced. The Constabulary cannot guarantee that this link will work all of the time, and we have no control over the availability of the linked pages.

Your Right to Request a Review of Decisions Made Under the Terms of the  
Freedom of Information Act (2000).

If you are unhappy with how your request has been handled, or if you think the decision is incorrect, you have the right to ask the Norfolk and Suffolk Constabulary to review their decision.

Ask Norfolk and Suffolk Constabularies to look at the decision again.

If you are dissatisfied with the decision made by Norfolk and Suffolk Constabularies under the Freedom of Information Act (2000), regarding access to information, you must notify the Norfolk and Suffolk Constabulary that you are requesting a review within 40 days of the date of its response to your Freedom of Information request. Requests for a review should be made in writing and addressed to:

*Freedom of Information Decision Maker  
Information Management Department  
Norfolk Constabulary  
Operations and Communications Centre  
Jubilee House  
Falconers Chase  
Wymondham  
Norfolk NR18 0WW  
OR  
Email: [freedomofinformation@norfolk.pnn.police.uk](mailto:freedomofinformation@norfolk.pnn.police.uk)*

In all possible circumstances Norfolk and Suffolk Constabulary will aim to respond to your request for us to look at our decision again within 20 working days of receipt of your request for an internal review.

The Information Commissioner.

After lodging a request for a review with Norfolk and Suffolk Constabulary, if you are still dissatisfied with the decision, you can apply to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at [www.ico.org.uk](http://www.ico.org.uk) or contact them at the address shown below:

The Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Telephone: 01625 545 700