

OFFICIAL



Heddlu Police

DYFED-POWYS

FOI Reference: 443/2021

Request:

I would be most grateful if you would provide me, under the Freedom of Information Act, details in respect to the following questions;

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?

Response 1 and 2:

Section 1 of the Freedom of information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at s1(1)(a) is to confirm or deny whether the information specified within a request is held. The second duty at s1(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 exemption(s) in question and
- c) state (if that would not otherwise be apparent) why the exemption applies.

Dyfed Powys police can neither confirm nor deny that information is held 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 24(2) National Security
Section 31(3) Law Enforcement

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 Dyfed Powys 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 Dyfed Powys police relies on a certain operating systems 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 Dyfed Powys police utilises Windows XP/7 would enable the general public to hold Dyfed Powys police to by highlighting forces who use 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 individuals intent on carrying out criminal activity vulnerabilities within Dyfed Powys police force.

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 Dyfed Powys police take their responsibility to protect information and information systems from unauthorised access, destruction, etc., dismissively and inappropriately.

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.

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

Response 3:

I can confirm that Dyfed-Powys Police does hold the information requested, the details of which are as follows:

- Dr Stephen Havard – Head of ICT
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It should be noted that owing to the systems adopted by Dyfed-Powys Police in relation to the recording of such matters the information provided may or may not be accurate.

(This is a response under the Freedom of Information Act 2000 and disclosed on 29/06/21)