

Response to Request for Information

Reference FOI 001867
Date 15 January 2018

Breaches in Data and Cyber Security

Request:

I am writing to you under the Freedom of Information Act to request information regarding data and cybersecurity incidents in the calendar year 2017 affecting information owned, processed or generated by your local authority.

- [1] Please may you provide me with the number of data breaches that occurred of your organisation's owned, processed or generated information in the calendar year 2017.

There have been no data breaches in the calendar year 2017. (A data breach is defined as a breach that is required to be reported to the Information Commissioner's Office).

- [1.2] Please may you provide me with a list of details regarding these breaches (i.e. when they occurred, how they occurred, and what information was lost).

Not applicable.

- [2] If your organisation differentiates between data breaches and data incidents, please may you provide me with the number of data incidents that occurred of its owned, processed or generated information in the calendar year 2017.

Quarter 4 - January, February and March 2017 = 22

Quarter 1 - April, May and June 2017 = 9

Quarter 2 - July, August and September 2017 = 18

Quarter 3 - October, November and December 2017

With reference to our response for Quarter 3, your request for this information has now been considered and the City of Wolverhampton Council is not obliged to supply the information you requested for the reasons set out below.

Section 17 of the Freedom of Information Act 2000 requires City of Wolverhampton Council, when refusing to provide such information (because the information is exempt) to provide you, the applicant with a notice which:

- (a) states the fact,
- (b) specifies the exemption in question and

- (c) states (if that would not otherwise be apparent) why the exemption applies:

In relation to your request, the following exemption applies:

The information you have requested is being withheld as it falls under Section 22 of the Freedom of Information Act 2000 which relate to Information Intended for Future Publication.

The Council intends to publish this information in March 2018 and it is deemed on this occasion that the public interest in disclosure is outweighed by the public interest in withholding the requested information until that time.

- [2.2] Please may you provide me with a list of details regarding these incidents (i.e. when they occurred, how they occurred, and what information was lost). In response to your above question, your request for this information has now been considered and the City of Wolverhampton Council is not obliged to supply the information you requested for the reasons set out below.

Section 17 of the Freedom of Information Act 2000 requires City of Wolverhampton Council, when refusing to provide such information (because the information is exempt) to provide you, the applicant with a notice which:

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

In relation to your request, the following exemption applies:

We are not obliged to provide information if its release would prejudice law enforcement as defined under Freedom of Information Act, Section 31(1)(a) – Law Enforcement. In this case, we believe that releasing detailed information such as when the incident occurred, how they occurred and what information was lost etc creates a security risk and is likely to prejudice the prevention or detection of crime.

In line with the terms of this exemption in the Freedom of Information Act, we have also considered whether it would be in the public interest for us to provide you with the information, despite the exemption being applicable. In this case, we have concluded that the public interest favours withholding the information.

You can find out more about Section 31 by reading the extract from the Act and some guidance points we consider when applying this exemption, as shown below.

You can also find more information by reading the full text of the Act, <http://www.legislation.gov.uk/ukpga/2000/36/section/31> and further guidance.

When assessing whether or not it was in the public interest to disclose the information to you, we took into account the following factors:

Public interest considerations favouring disclosure

- There is public interest in transparency and accountability of the department,
- Disclosure may promote public understanding
- There is public interest in good decision-making by public bodies

Public interest considerations favouring withholding the information

Disclosing the detailed information creates a security risk and therefore the Council recognises that there is a public interest in reducing potential criminal activities associated with data security.

In reaching this decision we have referred to the ICO Decision Notices as listed below:

https://ico.org.uk/media/action-weve-taken/decision-notices/2014/1042144/fs_50538789.pdf

<https://ico.org.uk/media/action-weve-taken/decision-notices/2017/2013677/fs50623497.pdf>

- [3] Please may you provide me with the number of cyber security incidents that occurred within your organisation in the calendar year 2017.
There have been no recorded cyber incidents in the calendar year 2017.
- [3.2] Please may you provide me with a list of details regarding these incidents (i.e. when they occurred, how they occurred, whether information was exposed, and how the incident was handled, if recorded as a crime by the police and/or whether the National Cyber Security Centre was informed).
Not applicable.