



Our Ref: 000405/21

Your Ref:

Address Correspondence to: Information Management

Date 25 February 2021

### **Freedom of Information Act 2000**

I write further to your request for information received 03/02/2021.

I note you seek access to the following information:

1. *How many computers within your department run the Windows Vista operating system?*
2. *How many computers within your department run the Windows XP operating system?*
3. *How many computers within your department run the Windows 7 operating system?*

Following receipt of your request, searches were conducted within Leicestershire Police to locate information relevant to your request.

The Leicestershire Police Service can neither confirm nor deny that it holds the information you requested as the duty in s1(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;

This should not be taken as conclusive evidence that any information that would meet your request exists or does not exist.

Sections 24(2) and 31(3) are qualified and require us to carry out a harm and public interest balancing test before they can be relied upon.

#### Overall harm for the NCND

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:

To confirm or deny whether Leicestershire 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 Leicestershire 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.

#### Factors favouring confirmation or denial for S24

The public are entitled to know how public funds are spent and how resources are distributed within an area of policing. To confirm whether Leicestershire Police utilises Windows XP/7 would enable the general public to hold Leicestershire 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 confirmation or denial for S24

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 Leicestershire 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.

#### Factors favouring confirmation or denial for S31

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 confirmation or denial for S31

Confirmation or denial that information is held in this case would suggest Leicestershire Police take their responsibility to protect information and information systems from unauthorised access, destruction, etc., dismissively and inappropriately.

### Balance 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 any other information does or does not exist.

Leicestershire Police provides you the right to ask for a re-examination of your request under its review procedure. Letters should be addressed to Information Manager, Corporate Services Department at the above address. If you decide to request such a review and having followed the Force's full process you are still dissatisfied, then you have the right to direct your comments to the Information Commissioner who will give it consideration.

Yours sincerely

Freedom of Information Officer  
Leicestershire Police

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