



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2009-03058

**Keyword:** Crime

**Subject:** INVESTIGATIONS - 'CLOUD COMPUTING ENVIRONMENT'

### Request and Answer:

#### Question 1

How many investigations has your organisation carried out in a Cloud Computing environment?

#### Question 2

Does your organisation have a standard operating procedure to obtain digital evidence in a Cloud Computing Environment? If so please supply a copy of this standard operating procedure.

#### Question 3

Does your organisation use Cloud Computing facilities, online storage or Software as a Service?

In accordance with the Act, this letter represents a Refusal Notice for this particular request. 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 in the 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 FOIA requires that we provide the applicant with a notice which a) states that fact b) specifies the exemption(s) in question and c) states (if it would not otherwise be apparent) why the exemption applies.

Police Service of Northern Ireland can neither confirm nor deny that it holds any information relevant to cloud computing used by the Police Service as the duty in s1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemption:

Section 31(3) Law Enforcement

Section 31 is a prejudice based qualified exemption 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.

### **Harm and Public Interest Considerations with regard to Confirming or Denying that the Information is held**

#### Section 31

The Police Service of Northern Ireland is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Information Technology is used to assist our day-to-day business in an endeavour to ensure effective law enforcement is undertaken. Irrespective of whether information is or isn't held, by citing exemptions or stating 'no information held' could enable an individual to geographically map which forces use cloud computing. Such awareness could assist a potential hacker in their endeavours to infiltrate the Information Security of a force.

#### Balancing Test

Effective Law Enforcement is the core function of the Police Service and we will never place information into the public domain which could undermine the Information Security of a force. Therefore, at this moment in time, it is our opinion

that for these issues, the balancing test for disclosure is not made out.

No inference can be taken from this refusal that the information you have requested does or does not exist.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this email.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing [foi@psni.pnn.police.uk](mailto:foi@psni.pnn.police.uk)

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ <http://www.psni.police.uk/>

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.