

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: F-2020-00283

Keyword: Organisational Information/Governance

Subject: Firewall, Anti-Virus & Enterprise

Request and Answer:

Your request for information has now been considered. In respect of Section 1(1)(a) of the Act we can confirm that the Police Service of Northern Ireland does hold some information to which your request relates and this is being provided to you.

We further consider the information you seek in Request 2 is exempt by virtue of Section 43, Request 3 is partially exempt by virtue of Section 31, Request 4 is exempt by virtue of Section 31 and Request 8 is exempt by virtue of Section 31 & 40 of FOIA and we have detailed our rationale as to why these exemptions apply. We have also provided you with links to guidance issued by the Information Commissioner's Office which we have followed in responding to your request.

Request 1

1. Standard Firewall (Network) - Firewall service protects your corporate Network from unauthorised access and other Internet security threats
2. Anti-virus Software Application - Anti-virus software is a program or set of programs that are designed to prevent, search for, detect, and remove software viruses, and other malicious software like worms, trojans, adware, and more.
3. Microsoft Enterprise Agreement - is a volume licensing package offered by Microsoft.

The information I require is around the procurement side and we do not require any specifics (serial numbers, models, location) that could bring threat/harm to the organisation.

For each of the different types of cyber security services can you please provide me with:

Who is the existing supplier for this contract?

Answer

- a. Firewall - Vodafone
- b. Anti-Virus - SoftwareOne Ltd
- c. Microsoft - BT plc are the Large Account Reseller for the PSNI Microsoft Enterprise Agreement Subscription [EAS]

Request 2

What does the organisation annual spend for each of contract?

Answer

As mentioned previously, the annual spend for each contract is being withheld pursuant to S43 and the following explanation is provided.

Section 17(1) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which:

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

The exemption, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 43 (2) – Commercial Interests – Information would or would be likely to prejudice commercial interests of any person, including the public authority holding it.

The full text of exemptions can be found at www.legislation.gov.uk and further guidance on how they operate can be located on the Information Commissioners Office website www.ico.org.uk.

Section 43 is a class based, qualified exemption, which means the legislators have agreed there would be harm if this information was released and a Public Interest test must be carried out.

Public Interest Test

Factors Favouring Release – Section 43

Releasing this information would facilitate the accountability and transparency of public authorities in the spending of public money. There is a keen public interest in how public authorities spend public money and that value for money is achieved. Disclosure would better inform the public of the costs involved.

Factors Favouring Retention – Section 43

Disclosing this information could lead to a company being exploited by rival companies and weaken their ability to conduct their business or tender for future contracts in a competitive market, impacting on future business revenue.

The FOIA does not define commercial interests and the ICO Guidance on the application of Section 43 suggests that “... a commercial interest relates to a person’s ability to participate competitively in a commercial activity i.e. the purchase and sale of goods or services.”

PSNI also considered disclosure of commercially sensitive material could undermine the ability of the PSNI to procure best value for public funds and to negotiate with a variety of companies and tender with companies in future. There could be a reluctance to trade with PSNI if commercially sensitive materials are released, thus depriving PSNI of a service or achieving best value for money. There is a public interest in PSNI being able to obtain best value for money from those it has a commercial or prospective commercial relationship with. Companies may lose confidence in PSNI if this information were disclosed, as they would have no expectation that their product pricing would be released into the public domain.

Decision

All pricing for these products is the subject of competitive tender between NI Government and BT. To publish pricing for these products is to expose the level of discount afforded to PSNI by BT as the

reseller. This information could be used to undermine future competitions and place PSNI in a disadvantageous position commercially when seeking value for money from the public purse.

Whilst accountability surrounding the use of public funds is always a strong argument in favour of releasing information, PSNI considers the balance of the public interest favours upholding the exemption.

However, we can advise you that the total annual spend is £3,327,986.82

Request 3

What is the description of the services provided for each contract? Please do not just state firewall.

Answer

- a. Firewall - provision of Firewall support, connection support, 24 hour helpdesk and escalation
- b. Anti-Virus - McAfee
- c. Microsoft - No services provided under the Microsoft EAS. Software subscriptions are paid to entitle PSNI officers and staff to use Microsoft Software.

As mentioned previously, the AV components are being withheld by virtue of Section 31 of the FOI Act. Please refer to the response provided at Request 8.

Request 4

Primary Brand (ONLY APPLIES TO CONTRACT 1&2).

Answer

As mentioned previously, Primary Brands are being withheld by virtue of Section 31 of the FOI Act. Please refer to the response provided at Request 8.

Request 5

What is the expiry date of each contract?

Answer

- a. Firewall – 31st March 2021
- b. Anti-Virus – 10th July 2022
- c. Microsoft – 31st March 2022

Request 6

What is the start date of each contract?

Answer

- a. Firewall – 1st October 2014
- b. Anti-Virus – 28th June 2016
- c. Microsoft – 1st April 2019

Request 7

What is the contract duration of contract?

Answer

- a. Firewall - 6 years (60 months + 17 months)
- b. Anti-Virus - 3 + 1 + 1 + 1
- c. Microsoft - 3 years

Request 8

The responsible contract officer for each of the contracts above? Full name, job title, contact number and direct email address.

Answer

As mentioned previously, information is being withheld by virtue of S31 and S40 of the FOI Act and the following explanation is provided.

Section 17(1) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which:

- (d) states that fact,
- (e) specifies the exemption in question and
- (f) states (if not otherwise apparent) why the exemption applies.

The exemptions, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 31 Law Enforcement - (a) the prevention or detection of crime, (b) the apprehension or prosecution of offenders.

Section 40(2)(a)(b) by virtue of 40(3)(A)(a) Personal Information – Information constitutes personal data and disclosure would contravene any of the Data Protection principles.

The full text of exemptions can be found at www.legislation.gov.uk and further guidance on how they operate can be located on the Information Commissioners Office website www.ico.org.uk.

Section 40 (2) of the FOIA is an absolute exemption which means there is no requirement on the PSNI to consider whether there is a public interest in disclosure. It is an interface exemption and we must consider whether release of the information would breach the General Data Protection Regulations ('GDPR') or the Data Protection Act 2018 ('DPA') Third party personal information constitutes their 'personal data' under the GDPR (Article 4) and DPA (Part 1 s.3).

Under the Freedom of Information Act, PSNI must consider if information can be released into the public domain. I have therefore considered whether the disclosure of this personal data is subject to the exemption at Section 40(2) of the Freedom of Information Act 2000 by virtue of s40 (3)(A)(a). As this information is 'personal data', PSNI considered whether disclosure would contravene any of the six data protection principles contained within the GDPR or DPA.

The six data protection principles are good information handling standards which PSNI must comply with in relation to how it handles personal information, including deciding whether to disclose it or not. In particular, the first principle requires personal data to be processed in a lawful and fair manner. In considering whether it is 'fair' to any individual to release information about them, PSNI considered the likely expectations of those individuals and the nature of the information involved. Individuals must have confidence that their information is treated sensitively and appropriately by PSNI. We consider those individuals would not have any reasonable expectation PSNI would disclose such information about them. We consider it would be extremely unfair to those individuals and therefore a breach of the first principle of data protection legislation. This information is therefore exempt under section 40 (2) of the FOIA as it contravenes data protection legislation to release it and the PSNI has made the decision to withhold that information.

Section 31 is a qualified and class-based exemption which means that the legislators have determined that harm in release must be evidenced and also that a public interest test should be conducted.

The summary of the Harm and Public Interest considerations for Section 31 is provided below:

Harm

Information relating to names, telephone numbers and direct e-mail addresses of police personnel is

a sensitive area. Releasing these details would allow criminals and anyone intent on hampering police law enforcement, to bombard the system with e-mails and phone calls therefore both directly and indirectly impacting on the prevention and detection of crime. Disclosure of information relating to a member of PSNI staff could impact on his/her safety and may be valuable intelligence for terrorist groups.

Systems utilised by PSNI are considered an important part of police methodology and release of specific AV components and details relating to Primary Brands could impact on the law enforcement role of the PSNI.

Public Interest Test

Factors favouring release – Section 31

Release of contact details and Primary Brand details could give the public better access to Police departments and provide a clearer understanding of the organisational structure of the PSNI.

Procuring equipment is always of public interest. PSNI must be accountable and ensure they can demonstrate that public funds are not used unnecessarily or unwisely. Release of AV component details would better inform the public, demonstrating the use of public funds.

Factors favouring retention – Section 31

Disclosure of individual staff names, e-mail addresses and phone numbers could compromise the PSNI's law enforcement abilities by risking the bombardment of the addresses with e-mails and engaging telephone lines. This would mean that police officers and staff may be tasked with answering calls and requests which could be better dealt with by other departments and release of e-mail addresses could increase the risk of cyber-attack which would hinder the receipt of legitimate e-mails. This could potentially lead to more crime being committed and individuals being placed at risk by important calls and information not getting through to the correct PSNI departments.

Disclosing information in relation to AV components and Primary Brands would enhance an attacker's ability to research attack vectors. Release of this detail could potentially leave PSNI systems vulnerable, impacting on the law enforcement role of police.

Decision

While there may be a public interest in releasing the information requested, the PSNI must ensure that its law enforcement capability is not adversely affected by the release of system security details and direct contact details. There may be a public interest in having the capability to have direct access to police departments, however the PSNI will not release details that may hinder the detection or prevention of crime through the release of information which may be of assistance to criminals and this information has the potential to be inappropriately used or maliciously attacked.

A release of information under FOI is a release into the public domain and not just to the individual requesting the information. Once information is disclosed by FOI there is no control or limits as to how the information is shared with other individuals, therefore a release under FOI is considered a release to the world in general.

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Whilst there is a public interest in the transparency of policing and providing assurance that the Police Service is appropriately and effectively engaging with the threat of criminals there is also a very strong public interest in safeguarding PSNI systems and the law enforcement role of police.

It is acknowledged that wherever possible policing must be transparent and accountable. However, police need to make balanced judgements which justify why some information needs to remain exempt and unpublished. Disclosure of information into the public domain would not be in the public interest and such information has the potential to assist terrorists and those criminal elements seeking to carry out attacks against PSNI systems and personnel. The safety of police personnel is

of paramount importance and the PSNI will not divulge any information which could put any individual at risk. Taking all of these factors into consideration, we are satisfied that the exemptions outlined above are applicable.

To assist you, the following contact details for PSNI Head of Information & Communication Services, already in the public domain, are provided below:

Jeff McNamara
Head of ICS
02890 922821
HeadOfICS@psni.pnn.police.uk

Request 9

Number of Licenses (ONLY APPLIES TO CONTRACT 3).

Answer

Total of 12,347 licenses.

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 Corporate Information Branch, please quote the reference number listed at the beginning of this letter.

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 Corporate Information Branch, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing 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 @ www.psni.police.uk

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