

Our ref: 01/FOI/23/011239/D

Please quote our reference
number when responding

Wednesday, 27 September 2023

FREEDOM OF INFORMATION REQUEST REFERENCE NO: 01/FOI/23/011239/D

I write in connection with your request for information dated 23/08/2023, I note you seek access to the following information:

Over the past 5 years have there been incidents of data loss at Greater Manchester Police By data loss I mean:

-Material copied from police computer systems illegally/hacking -Material misplaced, lost or incorrectly stored

Between 1st August 2018 and 1st August 2023

If there has been data loss, please could you detail the date of loss and what happened.

Result of Searches

Greater Manchester Police can neither confirm nor deny whether it holds the information that you requested as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 (the Act) does not apply by virtue of the following exemptions:

- **Section 24(2) - National Security**
- **Section 31(3) - Law Enforcement**

Sections 24 and 31 are prejudice based qualified exemptions and there is a requirement to evidence the prejudice (harm) in disclosure and consider the public interest to ensure neither confirming nor denying that information is held is appropriate.

Harm in Confirming or Denying that Information is held.

To confirm or deny whether any further information is held in respect of data loss from cyber-attacks or non-cyber-attack resulting in Data Breaches would provide actual knowledge that an attempt has been made, it has or has not been successful. Confirming that such information is not held may assist potential attackers by indicating that an attack had gone undetected.

Equally, confirming information is held would enable understanding of where attacks have been successful, and possible weaknesses exist. Attackers may then be able to tailor their methods to increase their chances of success. This would also be the case for data breaches from members of GMP employee's.

To confirm or deny whether information is held in respect of any loss data as a result of an attack would, in effect, confirm that there had been successful attacks made against the force, which would present harm as detailed above.

Furthermore, in order to counter criminal and terrorist behaviour it is vital that the police and other agencies have the ability to work together, where necessary covertly, in order to obtain intelligence within current legislative frameworks to ensure the arrest and prosecution of offenders who commit or plan to commit acts of terrorism, whereby their modus operandi may involve cyber-attacks on secure databases. In order to achieve this goal, it is vitally important that information sharing takes place with other police forces and security bodies within the United Kingdom in order to support counter-terrorism measures in the fight to deprive terrorist networks of their ability to commit crime. To confirm or deny specific details of any breaches of data would be extremely useful to those involved in terrorist activity as it would enable them to map vulnerable information security databases.

Public Interest

Section 24(2) National Security

Factors in favour of confirming nor denying 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 information is held regarding Data Breaches would enable the general public to hold the police to account ensuring all such breaches are recorded and investigated appropriately. With the call for transparency of public spending this would enable improved public debate.

Factors against 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 whether any data loss from cyber and non-cyber attacks have been successful would highlight to terrorists and individuals intent on carrying out criminal activity vulnerabilities within the police which could be further exploited.

Considering 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 – Law Enforcement

Factors favouring confirming or denying that information is held.

Confirmation 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 such security breaches.

Factors against confirming nor denying that information is held.

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

Overall 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 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.