

Public Interest Test

RFI 50803

The requestor sought information in relation to the Trust's Infrastructure.

The panel concluded that the release of this information would likely prejudice and leave the Trust's ICT system vulnerable to cyber security risk. In making this decision the Trust applied Section 31, Section 38 of the Freedom of Information Act 2000.

Q2, 3, 4 & 6 Main Supplier

(1) Weigh in favour of release information

- (1.1) Open transparency and accountability
- (1.2) There may be a public interest in providing information in relation to the Trust's Systems

(2) Weigh in favour of withholding information

- a) (Section 31) Leave the Trust patients, clients & staff more vulnerable to crime
- b) (Section 38) permits the withholding of information if there is a risk to Health and Safety of Individuals within the Trust. To withhold there must be a likelihood of endangerment to the physical or mental health of any individual

The Freedom of Information Act 2000 exemption applied was Section 31 and Section 38.

Section 31 – Law Enforcement Section

Section 31(1)(a) states that information is exempt if its disclosure is likely to prejudice the prevention or detection of crime. ICO guidance states that this can be used to protect information on a public authority's systems which would make it more vulnerable to crime. It can be used by a public authority that has no law enforcement function:

- To protect the work of one that does
- To withhold information that would make anyone, including the public authority itself, more vulnerable to crime

Section 38 – Health and safety

Section 38 states that as a security attack may lead to the placing of patient and client information into the public domain, the release of the requested information could potentially lead to harm for a number of patients (in a mental health context or may lead to physical harm)

The Trust believes there is a link between the risk endangerment for data subjects and the disclosure of the requested information. There would likely be a substantial detrimental effect on the physical or mental health of patients and clients, should the requested information be released

Decision on Release

Information Exemptions 31 & 38

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