

Date: Wednesday, 25 November 2020
Our Ref: HC/SS FOI 4530

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Re: Freedom of Information Request FOI 4530

I am writing in response to your request for an internal review submitted under the Freedom of Information Act, this internal review was received on 13th November 2020. Your original request was as follows:

A list of all cyber-attacks (both failed and successful) on NHS hospitals falling under your remit, in each year since 2015 (including broader cyber-attacks which include these hospitals). Where possible, please could you split the data as follows:

- Ideally, I am requesting only those cyber-attacks identified as or suspected of a) coming from a source within Russia or China; or b) emanating from any individual(s) or group(s) known to have, or suspected of having, links to the Russian or Chinese state. In each instance, please could you make clear which country the attack relates to.
- If this is not possible, please could you make clear whether an attack is thought to have come from inside/outside the UK.

In each instance, I am also requesting the following information:

- The severity of the attack, where it has been noted (e.g. low, medium, high).
- The outcome of successful attacks. For example: were documents stolen (and how many)? Was confidential data stolen (and how much)? Were any operations or other NHS processes cancelled or delayed as a result (and how many)?
- The cost to the NHS, where that cost is easily deductible/accessible. This could include but is not limited to a) delayed or cancelled operations, lost data, etc.; b) the security/staffing cost of defending against an attack; c) any consequent legal costs e.g. lawsuits filed successfully against the NHS as a result of personal data theft. If this part of the request is unduly onerous, please disregard.

Our original response is in [blue](#).

I confirm that The Walton Centre NHS Foundation Trust holds the information you have requested. However, I am unable to provide you with that information as I consider that the following exemptions apply to it:

Section 31(1a) - The prevention or detection of crime This information is exempt from disclosure under Section 31(1a) of the Freedom of Information Act 2000 (FoIA). We consider that if the data you have requested were to be combined with other information which may be available in the public domain, there would likely to be an increased risk of a cyber-security attack upon the Trust. As part of the Critical National Infrastructure for the NHS, the Trust has a duty to protect the integrity of our systems. The disclosure of the information requested could expose weaknesses in our systems and lead to breaches, making the UK or its citizens, in this case our patients, more vulnerable to security threat.

Public Interest Test

To use this exception we are required to undertake a public interest test. The matters which were considered in applying the public interest test are as follows:



Factors in favour of disclosure:

- Disclosure of the data supports the general public interest in the transparency, accountability and general understanding of the delivery of public services.

Factors in favour of withholding:

- Breaches in Trust security and is therefore a reasonable threat to the confidential patient data held on our systems.
- Temporary or long term lack of availability of IT systems
- Corruption/loss of patient data which would prevent or interrupt provision of patient care.

There is a strong public interest in protecting the confidentiality of patient data and of ensuring that healthcare services can be provided to the public without increasing the possibility of attack by hackers or malware, or of putting personal or other information held on these systems at risk of corruption or subject to illegal access. For these reasons, the Trust has decided that it is in the public interest to withhold this information at this time.

This response therefore acts as a refusal notice under section 17 of the FOIA.

You have requested an internal review requesting could we provide a basic overall number of cyber-attacks in the last 5 years? If this is not possible, please could you explain in more detail how the release of this information specifically would prejudice the prevention or detection of crime?

Please see our response below in blue.

The Walton Centre NHS Foundation Trust (WCFT) has now conducted an internal review following on from your original request which was dealt with under the Freedom of Information Act 2000 (FOIA). Our Internal Review Process details that one of three outcomes can be made from this, the outcomes are as follows:

- The original response is upheld; or
- The original response is reversed in part or in full; or
- The original response is modified.

Following on from the internal review where we have assessed all options and have made the decision to **modify** our original response:

The basic overall number of cyber-attacks in the last 5 years? The WCFT has had 2 cyber attacks in the past 5 years.

I should explain that the FOI Act is to do with transparency of information held by public authorities. It gives an individual the right to access recorded information held by public authorities. The FOI Act does not require public authorities to generate information, or to answer questions, provide explanations or give opinions, unless this is recorded information that they already hold.

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely

Hayley Citrine

Ms Hayley Citrine, Chief Executive Officer

