

Date: Wednesday, 23rd August 2023
Our Ref: MB/CM FOI 5895

Sid Watkins Building
Lower Lane
Fazakerley
Liverpool L9 7BB
Tel: 01515253611
Fax: 01515295500
Direct Line: 01515563038

Re: Freedom of Information Request FOI 5895

We are writing in response to your request submitted under the Freedom of Information Act, received in this office on 23rd August 2023.

Your request was as follows:

How much data do you store operationally?

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.



What is your organisation's current data recovery process?

[Same as above.](#)

How often does your organisation perform backups of critical data, and is this an automatic or manual backup?

[Same as above.](#)

Which data backup solutions does your organisation currently employ?

[Same as above.](#)

What is the average recovery time for your organisation in event of failure or data loss?

[Same as above.](#)

Does your organisation have a formalised disaster recovery plan?

[Same as above.](#)

How often does your organisation test the effectiveness of its disaster recovery plan?

[Same as above.](#)

What types of disasters or incidents does your disaster recovery plan cover?

[Same as above.](#)

Has your organisation experienced any significant data loss incidents in the past two years? If so, how were they addressed?

[Same as above.](#)

How does your organisation handle the storage and management of backup tapes or other physical backup media?

[Same as above.](#)

Does your organisation utilise virtualisation technology for any critical systems or applications?

[Same as above.](#)

Are there any specific challenges or pain points that your organisations faces regarding VMware or virtualisation technology?

[Same as above.](#)

How frequently does your organisation update or upgrade its Virtualisation software?

[Same as above.](#)

What backup/recovery solutions does your organisation use for virtual machines?

Same as above.

Has your organisation have any plans to migrate away from legacy backup or disaster recovery systems? If yes, what is the timeline for migration?

Same as above.

How does your organisation ensure the security and confidentiality of backup data during transmission and storage?

Same as above.

Are there any legal or compliance requirements that impact your organisation's data recovery/backup/disaster recovery processes?

Same as above.

When are your contracts for Data Recovery, Backup, Disaster Recovery and VMware related initiatives up for renewal, please express in bullet points and indicate if supplied by multiple vendors or single vendor

Same as above.

Please see our response above in [blue](#).

Re-Use of Public Sector Information

All information supplied by the Trust in answering a request for information (RFI) under the Freedom of Information Act 2000 will be subject to the terms of the Re-use of Public Sector Information Regulations 2005, Statutory Instrument 2005 No. 1515 which came into effect on 1st July 2005.

Under the terms of the Regulations, the Trust will licence the re-use of any or all information supplied if being used in a form and for the purpose other than which it was originally supplied. This license for re-use will be in line with the requirements of the Regulations and the licensing terms and fees as laid down by the Office of Public Sector Information (OPSI). Most licenses will be free; however the Trust reserves the right, in certain circumstances, to charge a fee for the re-use of some information which it deems to be of commercial value.

Further information can be found at www.opsi.gov.uk where a sample license terms and fees can be found with guidance on copyright and publishing notes and a Guide to Best Practice and regulated advice and case studies, at www.opsi.gov.uk/advice/psi-regulations/index.htm

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to the Freedom of Information Office at the address above.

Please remember to quote the reference number, FOI 5895 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 by:

Post: Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Online: <https://ico.org.uk/make-a-complaint/foi-and-eir-complaints/>

Telephone: 0303 123 1113

Yours sincerely

Mike Burns

Mr. Mike Burns, Executive Lead for Freedom of Information