

Date: Thursday, 04th April 2024
Our Ref: MB/CM FOI 6238

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Re: Freedom of Information Request FOI 6238

We are writing in response to your request submitted under the Freedom of Information Act, received in this office on 21st March 2024.

Your request was as follows:

I am writing to politely request the following data under the terms of the Freedom of Information Act 2000 (FOIA) on cyber attacks affecting The Walton Centre NHS Foundation Trust. Where possible please provide data broken down by calendar year or failing that, by relevant 12-month period (e.g. 2021/22 2022/23 etc.) for which data is available.

1. How many times has your organisation experienced an attempted cyber-attack in the last two financial years?

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.

2. Have you ever reported any cyber-related incidents to the NCSC and if so, how many in the last two financial years?

As above.

3. Thinking about cyber-attacks where the criminal was able to obtain data or disable systems, how much have these cost the organisation?

As above.

4. How much of the organisation's total annual budget is spent on cyber support, protection and computer systems?

As above.

5. How many people are employed by the organisation to oversee cyber support and programmes?

5 people - members of Technical Infrastructure Group and SIRO.

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 6238 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