

Has your force ever used a third-party organisation/service to carry out digital forensics? If so:

2a. Which third-party organisation/service did you use?

2b. On how many separate occasions have you used them during the period 2019-2021?

Applicable exemption:

Section 31(1)(a)(b) (Law enforcement)

Public Interest Test

Harm

Policing is an information-led activity, and information assurance (which includes information security) is fundamental to how the Police Service manages the challenges faced. In order to comply with statutory requirements, the College of Policing Authorised Professional Practice for Information Assurance has been put in place to ensure the delivery of core operational policing by providing appropriate and consistent protection for the information assets of member organisations, see below link:

<https://www.app.college.police.uk/app-content/information-management/>

Commercial Forensic Service Providers (FSPs) are vitally important in the Criminal Justice system - not only do they play a crucial role by supporting UK Policing with backlogs in the Digital Forensics arena, but they provide Defence teams with access to independent forensic experts to support their clients.

Whilst not in any way questioning the motives of the applicant, it must be taken into account when considering potential harm that a disclosure under the Freedom of Information Act 2000 is made to the world at large, rather than a private correspondence. Specific details of any forensic service providers used by West Midlands Police would be extremely useful to those involved in criminality, as it would enable them to create a map of those most used by police forces. Forensic Service Providers can be targeted by malicious actors, for example in 2019 Eurofins (one of the UKs largest FSPs) suffered a highly sophisticated ransomware attack which severely disrupted UK Policing and the Criminal Justice system:

<https://www.helpnetsecurity.com/2019/06/24/eurofins-ransomware-attack/>

<https://www.bbc.co.uk/news/uk-48881959>

By providing details of forensic service providers, Force by Force, a malign individual or group could identify those most critical to the Law and Order sector and specifically target those providing the most assistance. This would have a huge impact on the effective delivery of operational law enforcement as it would leave companies open to further cyberattacks which could have devastating consequences for law enforcement.

Factors favouring Disclosure:

Confirming the names of Forensic Service Providers and the number of occasions they have been used would be of interest to the public, namely to give insight into the forensic processes used to solve crimes.

Factors favouring Non-Disclosure:

Measures are put in place to protect the community we serve and as evidenced in the harm above, to provide this detail in relation to Forensic Service Providers would allow individuals or groups, intent on disrupting law enforcement, to target specific companies using the information obtained to maximise the impact.

Taking into account the current security climate within the United Kingdom, and the recent Eurofins cyber-attack, no information which may aid criminality should be disclosed. It is clear that it would have an impact on a Force's ability to carry out the core duty of enforcing the law and serving the community.

The public entrust the Police Service to make appropriate decisions with regard to their safety and protection and one way of reducing risk is to be cautious with what is placed into the public domain.

Balance Test:

For a public interest test, factors that favour disclosure need to be measured against factors that favour non-disclosure. The public interest is not what interests the public, or a particular individual, but what will be the greater good, if released, to the community as a whole.

Although the issue of public awareness is noted, to provide details of the Forensic Service Providers despite the known risks of cyber-attacks would weaken the mechanisms used to investigate criminal activity, thus having a detrimental impact on law enforcement as a whole and undermining any trust or confidence the public have in the Police Service.

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. In order to effectively and robustly carry out those duties, external services are utilised which are vital to investigating criminal activity.

Therefore, at this moment in time, it is my opinion that the factors for disclosure of the requested information are outweighed by the factors for non-disclosure. West Midlands Police will not release information that would prejudice the law enforcement role of the force.