

S31(1) Law Enforcement

Harm

The Harm Test process requires West Midlands Police to consider any possible harm that might arise as a result of placing the requested information into the public domain. This process considers the potential harm to:

- Individuals
- The community as a whole
- West Midlands Police and the wider policing service
- Other bodies

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 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.theguardian.com/science/2019/jul/05/eurofins-ransomware-attack-hacked-forensic-provider-pays-ransom>

By providing a list of forensic service providers, Force by Force, a malign individual 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 would be of interest to the public, namely 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 within the harm, to provide a detailed list of Forensic Service Providers would allow individuals 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 the only way of reducing risk is to be cautious with what is placed into the public domain.

Balance Test

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. Weakening the mechanisms used to investigate any type of criminal activity would have a detrimental impact on law enforcement as a whole. To provide the names of the FSPs despite the known risks of cyber-attacks would undermine any trust or confidence the public have in the Police Service. Therefore, at this moment in time, it is our opinion that the balance test favours against the disclosure of the FSP used for digital forensics.