



North East and North Cumbria

Our Reference North East & North Cumbria
ICB FOI 562

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24 October 2023

By Email

Dear Sir or Madam

Freedom of Information Act 2000 – Request for Information – NHS North East and North Cumbria Integrated Care Board (NENC ICB)

Thank you for your request received by North of England Commissioning Support (NECS) on 05 October 2023 for information held by NHS North East and North Cumbria Integrated Care Board (NENC ICB) under the provisions of the Freedom of Information Act 2000.

NENC ICB covers the areas of County Durham, Gateshead, Newcastle, North Cumbria, North Tyneside, Northumberland, South Tyneside, Sunderland and Tees Valley (which covers the 5 councils that make it up – Darlington, Hartlepool, Middlesbrough, Redcar & Cleveland and Stockton-on-Tees).

Please find the information you requested on behalf of the ICB as follows.

Your Request

Q1. Can you please list the number of devices deployed by your organisation for the following?

Q2. Does your organisation have any plans to procure below software applications, if yes then please provide required information in the below format?

Q3. Can your organisation provide Clinical ICT Strategy key decisions and priorities or ICT strategy documents for present and future years?

Q4. Does your organisation use Artificial Intelligence and Robotics, if yes then please list the services and their estimated cost for 23/24 and 24/25?

Q5. Can your organisation provide planned ICT procurement plans across software, hardware or services for current and future years?
(Software Applications/Hardware Devices/IT Managed Services)

Our Response

Please see the attached completed Questionnaire. With regard to question 1, where you ask for the Security Infrastructure (for example: Firewalls, Intrusion Detection Systems (IDS), Virus Monitoring Tools), NENC ICB considers that information to be exempt from disclosure under Section 31 (Law Enforcement) of the Freedom of Information Act 2000.

This provision of the Act exempts the public disclosure of information which would be likely to prejudice the prevention of crime, or in this context, would be likely to prejudice NECS security measures.

As with all large organisations, we are reliant on the smooth running of our IT networks and it is therefore considered that the disclosure of details of our IT infrastructure would be likely to prejudice the prevention of criminal acts such as hacking, theft of data, misuse of confidential data, or the disruption of our operations.

Section 31(1)(a) says that a public authority does not have to disclosure information under section 1 of the FOIA, where doing so would, or would be likely to, prejudice the functions of law enforcement, in this case, the prevention or detection of crime.

Release of information under the Act represents a disclosure to the world at large, and it is our belief that specific information about our IT infrastructure may make us a target for a cyber attack with the impact and consequences could seriously comprise the security of our systems and information contained therein. Cyberattacks are criminal offences, and we believe that such an unlawful attack may prejudice the prevention or detection of a criminal activity.

Having determined that disclosure of this information would expose our IT infrastructure to a real and significant risk of crime, the application of this exemptions requires us to consider the public interest in withholding or disclosing this information.

Public Interest Test

Considerations in favour of disclosure:

- *The inherent public interest in the openness and transparency of public authority dealings*
- *The public interest that officials are spending public money wisely and getting best value, without fear or favour*

Considerations against disclosure:

- *Disclosure of this information could expose the ICB's IT systems to the risk of attack*
- *The requested information is part of the security systems used to protect patient, confidential and corporate information*
- *The release of this information would increase the vulnerability of systems*
- *The information may aid an attacker*

Conclusion:

The ICB recognises that there is a public interest in the disclosure of information which facilitates the accountability and transparency of public bodies for decisions taken by them. However, there is also a public interest in the security of information held by the ICB which is put to the wider public interest. Having undertaken the balancing exercise, the ICB has concluded that the public interest in maintaining the exemption outweighs the

public interest in disclosing the requested information having regard to the effect that the disclosure of the information would not be in the public interest.

Particular weight has been placed on the severity of the prejudice which may be caused if this information were released.

The ICB considers given that the definition of 'public' under the Act is considered to be the public at large, rather than just the individual applicant or a small group of people and that 'public interest' is not necessarily the same as what interests the public, it is considered that to release this information into the public domain is likely to result in prejudice to the security systems of the ICB which is not outweighed by the wider public interest for disclosure.

In the last six months there have been published vulnerabilities against most of the large security equipment suppliers, most minor but some significant. The ICB considers that the public interest lies with the security of its information and that of third parties. In the ICB's opinion, the additional risk to clinical data held by the ICB means disclosure cannot be justified.

After consideration of the above factors, we believe, on balance that the public interest lies in maintaining the exemption.

In line with the Information Commissioner's directive on the disclosure of information under the Freedom of Information Act 2000 your request will form part of our disclosure log. Therefore, a version of our response which will protect your anonymity will be posted on the NHS ICB website <https://northeastnorthcumbria.nhs.uk/>.

If you have any queries or wish to discuss the information supplied, please do not hesitate to contact me on the above telephone number or at the above address.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you should write to the Senior Governance Manager using the contact details at the top of this letter quoting the appropriate reference number.

If you are not content with the outcome your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by the North of England Commissioning Support Unit.

The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

www.ico.org.uk

Any information we provide following your request under the Freedom of Information Act will not confer an automatic right for you to re-use that information, for example to publish it. If you wish to re-use the information that we provide and you do not specify this in your initial application for information then you must make a further request for its re-use as per the Re-Use of Public Sector Information Regulations 2015 www.legislation.gov.uk . This will not affect your initial information request.

Yours sincerely

Pamela Coxon

**Pamela Coxon
Information Governance Officer**