

Our Ref: IM-FOI-2022-1220
Date: 30 June 2022



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

Please provide answers to the following questions about your force's data security and waste disposal policies and practices for electronics equipment.

Does your department operate any of its own data centres, defined as a site for storing servers and data on or off premises? If so, how many and where are they located?

Which third party data centres or cloud computing providers do you use for data storage and cloud services?

Please could you outline the clauses in these contracts that stipulate how both hardware should be decommissioned and the associated electronic waste should be handled?

Which third party do you use to provide data erasure or destruction services for servers - or parts of servers - you own?

In accordance with section 16 of the Freedom of Information (Scotland) Act 2002 I am refusing to disclose the above requested information.

Section 16 of the Act requires Police Scotland, when refusing to provide such information because the information is exempt, to provide you with a notice which:

- (a) states that it holds the information,
- (b) states that it is claiming an exemption,
- (c) specifies the exemption in question and
- (d) states, if that would not be otherwise apparent, why the exemption applies.

The information requested is held and the exemptions applicable are as follows:

Section 33(1) (b) – Commercial Interests

Any companies who have contracts with Police Scotland will not be disclosed to the public as this may allow other companies to gain a competitive advantage in receiving this information. However, if the information was disclosed, this could reduce the number of companies tendering for the supply of goods and services, they being aware that the Police will disclose commercially sensitive information. This is likely to negatively impact

on the tendering process used by the service to ensure it purchases the most efficient and cost effective services in the future, and prejudice the commercial interests of Police. This is a non-absolute exemption which requires the application of the Public Interest Test.

Public Interest Test

Police Scotland is a publicly funded organisation and therefore the Service has an obligation to obtain best value for money with particular services. Further, in order to do this, it is essential to maintain working relationships with these companies that tender their services.

To explain, the balance favours retention of this information as when the procurement regulations consider Defence and Security and where the procurement of a public contract are classified as secret, the authority protect the confidential nature of the information that we would make available in a contract award notice.

As such, Police Scotland will not disclose any information that would impact on the ability to do both. The public interest would not be served if it were no longer possible to engage companies in a tender offer if they believed that conducting business with Police Scotland would result in their confidential financial information being released.

Section 35 (1) (a) – Law Enforcement

Information is exempt information if its disclosure under this Act would, or would be likely to; prejudice substantially the prevention or detection of crime and the apprehension or prosecution of offenders.

Public safety is of paramount importance and disclosure of this information would allow criminals and terrorists the ability to assess the capability of Police Scotland. Law enforcement techniques could be exposed which would enable criminals to build a picture of where data is stored and as such would allow them to carry out their criminal or terrorist activities. To disclose this information into the public domain would undermine the tactical options available and compromise the effective delivery of operational law enforcement.

This is a non-absolute exemption and the application of the public interest test applies.

Public Interest Test

It could be argued that the public are entitled to know how public funds are spent and resources distributed. That said, security measures are put in place to protect the community we serve and disclosure of this information would assist criminals and terrorists in carrying out their criminal and terrorist activities. This would ultimately increase the risk of harm to the general public and significantly undermine any ongoing or future operations.

The public have an expectation that the police will make the 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. By providing the names or locations of data centre, cloud providers or secure destruction companies the information can be used to compromise the confidentiality, integrity or availability of our information assets. These companies security posture usually doesn't advertise locations or the fact that they hold police or government information, this is normally within their Terms & Conditions. In many

cases they don't provide us with the locations. Accordingly in this instance the balance favours retention of this information.

If you use a third party, do you have a contract(s) in place with them?

In terms of the Freedom of Information (Scotland) Act 2002 a public authority is only obliged to provide recorded information.

Under Section 8 of the Act, information which requires a yes/no response is not in essence a valid request. To be of assistance yes there is a contract.

Which companies do your cloud computing providers use for data erasure and destruction services of servers - or parts of servers - that have contained or processed your data?

I can advise you that Police Scotland does not hold any of the requested information. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, we do not hold this information.

Do you stipulate what your cloud computing providers should do with hardware that is being decommissioned and the associated e-waste?

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Under Section 8 of the Act, information which requires a yes/no response is not in essence a valid request. To be of assistance the answer is yes, this is in the contract.

Data destruction:

Do you mandate that hard drives or other data storing devices contained in your data centres are shredded or otherwise destroyed to prevent any data leakage? If so, what proportion of your total devices are shredded or otherwise destroyed?

All data strong devices are shredded.

What is the total weight or number of hard drives or other data storing devices that your department shredded or otherwise destroyed in 2020 and 2021, respectively?

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By way of explanation, this information is not recorded.

Do you mandate that hard drives or other data storing devices contained in your data centres are incinerated to prevent any data leakage? If so, what proportion of these devices are incinerated?

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Under Section 8 of the Act, information which requires a yes/no response is not in essence a valid request.

What is the total weight or number of hard drives or other data storing devices that your department incinerated in 2020 and 2021, respectively?

0%

More general IT hardware used by your department (e.g. laptops, phones)

Do you have a policy for shredding or otherwise destroying IT hardware that contains data, including mobile phones and laptops? If so, please outline the policy.

All data strong devices are shredded.

Which third party do you use to provide data erasure or destruction services for your IT hardware when it reaches its end of life?

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Public Interest Test

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What is the total weight or number of items of electronics and hardware that your department shredded or destroyed in 2020 and 2021, respectively?

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By way of explanation, this information is not recorded.

Should you require any further assistance please contact Information Management – Glasgow at foi@glasgow@scotland.police.uk quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.pnn.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.

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