



Your reference:

Our reference: FOI_2023.0635

E-mail: FOI

@gloucestershire.police.uk

Direct dial: 01452 754304

Postal Address: As above

Date: 14/09/2023

Dear

Gloucestershire Constabulary Freedom of Information request 2023.0635

On 13/06/2023 you sent an email constituting a request under the Freedom of Information Act asking the following:

I believe you are a Law Enforcement Competent Authority as defined by Schedule 7 of the Data Protection Act 2018 ('the Act'), and as such subject to the provisions of Part 3 of the Act.

I would be grateful if, under the terms of the Freedom of Information Act 2000/Freedom of Information (Scotland) Act 2002/ or other appropriate and applicable FOI legislation for your organisation, you would provide me with the following information within the statutory period.

No. 1 - A copy of your Record of Processing Activities [ROPA] covering all Cloud based services to include the elements listed under S.61 2(a) through 2(j) of the Act. Since this is a document which the authority must already have in place and maintain under a statutory obligation I do not expect this to be difficult to provide with minimal effort.

Note: I do not require you to provide information falling under S.61 2(k) relating to security controls applied to meet your obligations under S.66 of the Act. this may be redacted from the ROPA.

No. 2 - A copy of applicable Data Protection Impact Assessment(s) conducted under the terms of the Data Protection Act 2018 Part 3 for any of the following Microsoft Cloud based services in use by your organisations:

- a) Microsoft 365/M365 (& any component service of it including Teams & Dynamics 365)
- b) Microsoft Azure (and its associated hosted services)

Please note:

i) A DPIA should not in general contain any specific information relating to system security measures requiring redaction before release but I am aware that some Policing organisations do include this information in their DPIA products.

ii) Reasonable redaction of such information - strictly and only to the extent necessary to maintain the security of Police operations (if this has been included in the DPIA) - is acceptable, as is removal of personal data where this does not relate to names of individuals in key responsible roles.

iii) General redaction of core information relating to any relevant DPIA content required to evidence your organisations achievement against their statutory obligations would however be unacceptable.

Redactions or refusals on the basis of exemptions under S.24, S.31 and/or S.36 (or their equivalent) shall be robustly challenged, since nothing in a DPIA should feasibly relate to such matters.

No.3 - A copy of the specific contract or terms of service applied for the above services between your organisations (as Controller) and Microsoft (as Processor) as required under S.59 of the Act; or confirmation that the Terms of Service applicable to your use of their services are solely the Microsoft Standard Terms.

Please note:

The Contract/Terms of Service do not need to include any financial information - I am not seeking that, or any other commercially sensitive information, at this time

Under the Freedom of Information Act 2000 s1, I can confirm that Gloucestershire Constabulary may hold some relevant information.

Following receipt of your request, initial enquiries were made with the relevant business areas. Whilst there is a register for recording our processing activities, a manual review of approximately 600 records would be required to determine if the information necessary to answer this request is held. It has been estimated that a review of records would far exceed the permitted time constraints, therefore Section 12 of the Act is applicable. This section does not oblige a public authority to comply with a request for information if the authority estimated that the cost of complying with the request would exceed the appropriate limit is 18 hours, equating to £450.00

Section 17(5) of the Freedom of Information Act 2000 requires Gloucestershire Constabulary, when refusing to provide information (because the information is exempt) to provide you the applicant with a notice which: (a) states the fact, (b) specifies the exemption in question and (c) states (if not otherwise apparent) why the exemption applies.

In relation to your request Section 12 applies.

Section 12(1)– Fee Regulations states:

Section 1(1) of the Act does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit. (As detailed in the Data Protection and Freedom of Information Fees Regulations of 2004)

The appropriate limit at the moment is £450 calculated at an hourly rate of £25 per hour for all staff time incurred in:

- i. Determining whether information is held
- ii. Locating it
- iii. Retrieving it
- iv. Extracting the information to be disclosed from the other information.

In accordance with the Act, this letter represents a Refusal Notice for your request.

When applying the Section 12 exemption, our duty to assist under Section 16 of the Act would normally entail that we contact you to determine whether it is possible to refine the scope of your request to bring it with the cost limits. From the information outlined above, I can see no reasonable way in which we can do so.

If you are not satisfied with this response or any actions taken in dealing with your request, you have the right to ask that we review your case under our internal procedure. Please note that a request for an internal review must be made within 20 working days of the response to your original request.

If you decide to request that such a review is undertaken and following this process you are still unsatisfied, you then have the right to direct your complaint to the Information Commissioner for consideration.

The Information Commissioner can be contacted via the following means:

Website - <https://ico.org.uk/>

Call their helpline - 0303 123 1113

Email - casework@ico.org.uk

Post –

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

Yours sincerely,

Disclosure Officer
Gloucestershire Constabulary