



Your reference:

Our reference: FOI_2023.0869

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Date: 26/09/2023

Dear

Gloucestershire Constabulary Freedom of Information request 2023.0869

On 29/08/2023 you sent an email constituting a request under the Freedom of Information Act asking the following:

1. Does your force utilise a Digital Evidence Management (DEM) Solution that is widely accessible to officers and staff across the force?
2. If Yes:
 - a. What is the name of the solution and who provided the solution?
 - b. Is it cloud hosted? If yes, who is the cloud provider?
 - c. How many users are licenced to use the DEM Solution?
 - d. What is the contracted storage capacity?
 - e. Has the force exceeded the contracted storage capacity in the last 12 months?
 - f. At the end of the contracted time period, will the force be open to reviewing other available DEM solutions on the market before automatically renewing?
 - g. When is the renewal due?
 - h. Is this the force's only DEM solution or does the force have other separate DEMs specifically for specialist units, i.e. Major Investigations, Digital Forensics, PSD/ACU, etc? If yes, what is the reason for having a separate DEM?
 - a. Isolation/added internal security
 - b. Concerns over the amount of storage individual Units upload
 - c. other
3. If No, when is the force intending on starting the procurement process to acquire a DEM Solution?

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

The information you have requested has been sent to the relevant departments and the results are as follows:

1. Yes

2. With regards to questions A & B this information is exempt under Section 31 (1)(a).

Section 17 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.

The following exemption applies:

Section 31(1)(a) – Law Enforcement

The exemption above is qualified and prejudice based therefore both a Public Interest Test and Harm Test are required.

The Harm Test process requires Gloucestershire Constabulary 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
- **Gloucestershire Constabulary** 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 DEMS Providers are vitally important in the Criminal Justice system - not only do they play a crucial role by supporting UK Policing with the security and storage of vast amounts of digital evidence that can be gathered or generated during investigations, but they help manage the chain of custody; keeping relevant audit logs so that the digital evidence can be relied upon in Court.

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 the DEMS used by Gloucestershire Constabulary would be extremely useful to those involved in criminality as it would enable them to create a map of those most critical to the Law-and-Order sector, and specifically target those proving the most assistance.

The risk of such is significant and real, whether it is in relation to the DEMS or any other aspect of policing within the context of digital evidence, such as the use of Forensic Service Providers. 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>

As demonstrated, the threat of cyberattacks is clear and remains ever present, which if successful, such an attack would have devastating consequences for law enforcement as a whole.

Factors favouring Disclosure

Confirming the names of DEMS providers would be of interest to the public, namely give insight into the solutions used by the police to manage and store vast amounts of digital evidence.

Factors favouring Non-Disclosure

Measures are put in place to protect the community we serve and as evidenced within the harm, to provide the information requested would allow individual's 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 previous 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 information requested, 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 disclosure.

C. this is unlimited

D. Pay as you go Limit

E. No

F. Yes

G. June 2024

H. No others

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