

Freedom of Information: Right to know request

We are unable to disclose the information you have requested, as we consider it is exempt from disclosure under Section 31(1)(a) of the Act - crime prevention - on the grounds that the information may aid malicious parties to attack the IT systems concerned. Release of this information will prejudice the prevention of crime by facilitating the possibility of a criminal offence being carried out. Hacking into an IT system is a criminal offence and relevant enforcement authorities would be notified.

In applying this exemption we have had to balance the public interest in withholding the information against the public interest in disclosing the information. In Annex A I have set out the exemption in full, as well as the factors Ofcom considered when deciding where the public interest lay. It is likely that other exemptions under the Act would also apply.

We have set out the factors we took into account, for and against disclosure, when deciding how to respond to your email and they are set out below, in Annex A:

Annex A

<p>Section 31 (1): Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice -</p> <p>(a) the prevention or detection of crime;</p> <p>(b) the apprehension or prosecution of offenders.</p>	
Factors for disclosure	Factors for withholding
<ul style="list-style-type: none"> Open policy making and public confidence in regulated activities 	<p>Disclosure of detailed information about Ofcom's IT systems may aid malicious parties to attack the IT systems concerned. Release of this information will prejudice the prevention of crime by facilitating the possibility of a criminal offence being carried out. Hacking into an IT system is a criminal offence.</p>

Reasons why public interest favours withholding information	
<ul style="list-style-type: none">• Disclosure of detailed information about Ofcom's IT systems could be used by offenders to hack into our systems. It is in the public interest for this not to happen to protect Ofcom against a potential cyber-attack so that Ofcom can carry on its work. The more specific any information is, the more useful it may be to an attacker.	

I appreciate that this is not the response you were hoping to receive, but I trust that you understand the reasons we have decided that disclosure of this information is not in the public interest on this occasion.

Timing

If you wish to exercise your right to an internal review you should contact us within two months of the date of this letter. There is no statutory deadline for undertaking internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact:

Steve Gettings
The Secretary to the Corporation
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

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