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Email: [npcc.foi.request@npfdu.police.uk](mailto:npcc.foi.request@npfdu.police.uk)

21/06/2023

**FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER: 172/2023**

Thank you for your request for information regarding ACRO's cyber security incident, which has now been considered.

**Applicant Question:**

This is a request under Freedom of Information Act 2000.

1. Was the cyber-attack to ACRO in 2023 involving a ransom?
2. What data was breached in the 2023 cyber-attack and how many UK residents were affected by the breach?
3. Are email addresses of ACRO case sensitive and what is the official ACRO email address in charge of delivering Subject Access Request (SAR) responses?

**NPCC Response:**

The NPCC does hold some recorded information captured by your request.

In relation to question 1 of your request, ACRO can confirm that there was no ransom involved.

Please note that due to the ongoing and highly sensitive nature of the information, further exemptions under the Freedom of Information Act are likely to be engaged to any further information requested in relation to the nature of the incident.

The NPCC does hold information captured by both parts of question 2 of your request. This information has been withheld in full, citing Section 30(1). This is because ACRO are currently still working with the relevant authorities, including the National Cyber Security Centre to investigate and remediate the cyber security incident and to release this information ahead of the conclusion of these investigations would be undermining to the investigative processes involved.

For more information on the legislation and the risk of harm, please see Annex A below.

The NPCC does not hold recorded information captured by part 1 of question 3 of your request. In relation to the second part, the email address responsible for delivering Subject Access Request responses regarding the Police National Computer is: [subjectaccess@acro.police.uk](mailto:subjectaccess@acro.police.uk)

The NPCC has a legal obligation to try and advise and assist you further with your request;



Outside of the Freedom of Information Act and as a gesture of goodwill, my colleagues provided the following information from their own knowledge relating to part 1 of question 3:

'Based on knowledge, we can confirm that ACRO email addresses are not case sensitive.'

Yours sincerely

**Fiona Greenlees**

NPCC Freedom of Information Officer & Decision Maker

[www.npcc.police.uk](http://www.npcc.police.uk)

## **COMPLAINT RIGHTS**

### Internal Review

If you are dissatisfied with the response you have been provided with, in compliance with the Freedom of Information legislation, you can lodge a complaint with NPCC to have the decision reviewed within 20 working days of the date of this response. The handling of your request will be looked at by someone independent of the original decision, and a fresh response provided.

It would be helpful, if requesting a review, for you to articulate in detail the reasons you are not satisfied with this reply.

If you would like to request a review, please write or send an email to NPCC Freedom of Information, c/o PO Box 481, Fareham, Hampshire, PO14 9FS.

If, after lodging a complaint with NPCC, you are still unhappy with the outcome, you may make an application to the Information Commissioner at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

## **Annex A**

Section 17 of the Freedom of Information Act 2000 requires the NPCC, when refusing to provide information by way of exemption in question and (c) states why the exemption applies. In accordance with the Freedom of Information Act 2000 this letter acts as a refusal notice to those aspects of your request.

### **Legislation – Section 16**

- (1) It shall be the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it.

### **Legislation – Section 30 – Investigations and Proceedings**

(1) Information held by a public authority is exempt information if it has at any time been held by the authority for the purpose of –

(a) any investigation which the public authority has a duty to conduct with a view to it being ascertained - (i) whether a person should be charged with an offence, or (ii) whether a person charged with an offence is guilty of it,

(b) any investigation which is conducted by the authority and in the circumstances may lead to a decision by the authority to institute criminal proceedings which the authority has power to conduct, or

Section 30 is a qualified exemption. This means that the NPCC must consider the public interest test contained at section 2 of FOIA and whether, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in the release of the captured information.

### **Factors favouring release of held information**

Releasing the captured information would lead to a better informed public, improving their knowledge and understanding of how the Police Service are investigating cyber-security incidents.

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Release of the captured information could promote public trust in providing transparency and demonstrating openness and accountability into how the investigation took place. It could also provide reassurance to the public that the Police Service takes all reports of a crime seriously and conducts investigations appropriately and thoroughly. To release the held information could allow the public to have a better understanding of the effectiveness of the Police Service.

### **Factors against release of held information**

ACRO Criminal Records Office is a leader in the field of criminal records and biometric information, who provide a range of services that deliver operational benefits to law enforcement and public protection teams, help bring offenders to justice and meet the legitimate information access and management needs of the public. By its very nature information held relating to the investigation of the cyber- incident is highly sensitive in nature.

The NPCC will only disclose information concerning investigations when it considers that no harm will be caused to the investigative process or any individual involved in the investigation. It is a public interest to allow investigators the necessary space to determine the course of investigations that they have a duty to conduct.

Disclosure of the information even in an investigation that is not ongoing may undermine the future prosecution of individuals and the role of the criminal courts as the sole forum for determining guilt.

### **Balancing Test**

The points above highlight the merits of releasing or withholding the information captured by your request. The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve.

The Police Service will never release information held as part of an investigation, if to do so would compromise an ongoing investigation or undermine the policing purpose in the effective delivery of operational law enforcement.

Whilst there is a public interest in the transparency of policing operations and investigations, providing reassurance that the Police Service is appropriately and effectively engaging with the threat from offenders, there is a very strong public interest in safeguarding the purpose of section 30, which is to preserve the ability of the police to carry out effective investigations.

As much as there is a public interest in knowing that policing activity is appropriate and balanced it will only be overridden in exceptional circumstances.

Therefore, at this moment in time it is our opinion that for these issues, the balancing test favours against release of the captured information.