

Reference: 01568662

Information Requests  
[information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk)

14 March 2023

### Freedom of Information request: Right to know request

Thank you for your request for information concerning ICT and corporate procurement. Your request was received on 14 March 2023 and we have considered it under the Freedom of Information Act 2000.

#### Your request

*I would like the organisation to provide me with the following departmental documents around ICT and corporate procurement.*

*Many organisations within your region have different document title names:*

*1. 2023/24 IT Department Documents ;- these types of documents have detailed information on the department's future plans and strategies. These documents could include:*

*ICT Strategy/Plan, ICT Department Plan, ICT Financial Plan*

*2. ICT Org Chart ;- with names and job titles*

*3. Corporate Procurement Strategy that covers 2023/24 and more.*

*For all the documents I have requested, please provide me with the 2023/24 documents, I only want to only receive documents that are live and valid. If the document is a strategic plan (e.g. 2020-2025) that covers a set number of years, please provide me with the 2023 version.*

*I also require the full version of the documents i have requested, if any parts of the document is missing, please state this in the response*

*If this cannot be provided, please provide me with information on when this version will be available.*

#### Our response

*1. 2023/24 IT Department Documents ;- these types of documents have detailed information on the department's future plans and strategies. These documents could include:*

*ICT Strategy/Plan, ICT Department Plan, ICT Financial Plan*

Whilst we do hold information within the scope of your request, we consider that its exempt from disclosure. We consider the disclosure of information concerning ICT plans and strategy is exempt under section 31(1)(a) of the Act. This is on the basis that this information contains a high-level of detail regarding our ICT plans and cyber security, and disclosure of such information may result in our systems becoming vulnerable to cyber-attacks. Hacking into an ICT system is a criminal offence. Additionally, we consider the information relating to ICT's financial plans is exempt from disclosure under section 43(2) of the Act. This is on the basis that disclosure of this information would or would be likely to, prejudice the commercial interests of any person (including an individual, a company, Ofcom itself, or any other legal entity).

Sections 31(1)(a) and 43(2) are qualified exemptions, which means that we must consider whether or not the public interest in disclosing the information you have requested outweighs the public interest in withholding the information. In this case we consider that the public interest favours withholding the information.

Annex A and Annex B, attached to this letter, set out the above exemptions in full, as well as the relevant public interest considerations for and against disclosure of the information you requested.

You may find it useful to look at our 2021-2022 [annual report](#) which includes some information about our ICT. Our 2023-2024 annual report has not yet been compiled but will be published at a later date.

## *2. ICT Org Chart ; - with names and job titles*

Please find attached our organisation chart of the ICT department. Some of the information captured by the request contains personal information (staff names). We consider that this information is exempt from disclosure under Section 40(2) of the Act, which provides that personal information about persons other than the requester is exempt where, among other things, its disclosure would contravene any of the data protection principles in the UK General Data Protection Regulation and the Data Protection Act 2018. Section 40 is an absolute exemption under the Act and does not require a public interest test.

## *3. Corporate Procurement Strategy that covers 2023/24 and more.*

We do not hold information in scope of your request.

If you have any further queries, then please send them to [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk) quoting the reference number above in any future communications.

Yours sincerely

## Information Requests

If you are unhappy with the response you have received in relation to your request for information and/or consider that your request was refused without a reason valid under the law, you may ask for an internal review. If you ask us for an internal review of our decision, it will be subject to an independent review within Ofcom.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

**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 responding to 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 [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk)

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. Further information about this, and the internal review process can be found on the Information Commissioner's Office [here](#). Alternatively, the Information Commissioner can be contacted at:

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

**Annex A**

**Section 31 (1) of the FOI Act provides that:**

**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 –**

**(a) the prevention or detection of crime;**

Factors for disclosure	Factors for withholding
<ul style="list-style-type: none"> <li>• Disclosure would promote open policy making and public confidence in regulated activities.</li> <li>• Enabling the public to gain a better understanding of how Ofcom performs its functions.</li> </ul>	<ul style="list-style-type: none"> <li>• 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 offences being carried out. Hacking into an IT system is a criminal offence.</li> <li>• Disclosure of information regarding Ofcom’s ICT plans, strategy and budget may aid malicious parties in determining any vulnerabilities in Ofcom’s ICT systems and whether Ofcom spends (relative to average) more or less than other organisations and is therefore a more attractive target for cyberattack.</li> <li>• Disclosure of information regarding Ofcom’s ICT plans and strategy may allow malicious parties to tailor attacks accordingly.</li> </ul>
<p><b>Reasons why public interest favours withholding information</b></p>	
<ul style="list-style-type: none"> <li>• Disclosure of detailed information about Ofcom’s ICT systems, plans, strategy and budget, may provide insight which may be used to hack Ofcom’s ICT 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 out its functions.</li> <li>• The consequences of any successful attack on Ofcom’s systems are significant. They include loss of confidential and commercially sensitive stakeholder and government information and access to it by third parties. This would also impair trust and confidence in Ofcom as a regulator and impact our ability to carry out our functions.</li> </ul>	

- In applying this exemption, we have also taken account of the real and significant risk of prejudice occurring from the requested information being put together with other information already in the public domain.

**Annex B**

**Section 43(2) of the FOI Act provides that:**

**Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).**

Factors for disclosure	Factors for withholding
<ul style="list-style-type: none"> <li>• Enabling the public to gain a better understanding of the commercial relationships between Ofcom and its suppliers and the nature of the services provided, and thereby increasing public confidence in Ofcom’s work.</li> <li>• Generally, there is a public interest in transparency of expenditure, especially if public money is involved.</li> </ul>	<ul style="list-style-type: none"> <li>• Ofcom contracts with a number of companies and has a financial relationship with them. Companies need to be confident that information relating to their business, such as information about them as an organisation or relating to their products or services i.e. contracts we have with them, will not be disclosed if it would, or would be likely to, prejudice their commercial interests.</li> <li>• Ofcom continues to procure contracts for ICT services like those related to this request. To release commercially sensitive information, such as our plans and budget would put us in a detrimental position for future procurement contract negotiations and it could also result in fewer tender submissions being received if suppliers were not confident that their commercial and competitive advantage were to be maintained.</li> <li>• In addition, to release the amount we pay for a service could prejudice the commercial interests of the supplier – in that it would provide details of the supplier’s commercial relationships to its competitors or potential clients.</li> </ul>

### **Reasons why public interest favours withholding information**

- Ofcom enjoys a positive relationship with those companies it contracts with. The release of information into the public domain would, or would be likely to, prejudice commercial interests as it would impair Ofcom's relationship with suppliers. If suppliers could not be confident that such information provided by them to Ofcom would be withheld from disclosure, except in compelling circumstances, commercial activity may be impeded. Similarly, Ofcom's ability to obtain value for money in ICT services and systems it contracts for, may be undermined in future procurements if full details of plans, strategy and budgets were disclosed.
- Weighing the issues presented, it is considered that on balance, the factors for withholding the requested information outweigh those for disclosing the information.