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Department for Transport
Great Minster House
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London SW1P 4DR

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Web Site: www.dft.gov.uk

Our Ref: F0007745

12TH JULY 2011

Dear XXXXXXXXXX,

Freedom of Information request

I am writing in response to your request for information, received on 9th June. In that request, you asked for;

1. The number of cyber-attacks on the Department per month since records began. If possible, you would also like the results broken down into the type of attack.
2. The cost to the department of the attacks it has faced.
3. The amount of money that the department has spent on improving cyber security, broken down by year, over the last five years.

I shall answer these questions in turn.

Questions 1 & 2 -The Department holds the information requested but is withholding it by virtue of sections 24 and 31 of the Freedom of Information Act 2000. Specifically the exemption being engaged under s.24(1) is where the release of information requested would be likely to be detrimental to the safeguarding of national security. The exemption at s.31(1)(a) is engaged where release of the information requested would, if released, be likely to prejudice the prevention and detection of crime.

In applying exemptions under section s.24(1) and s.31(1)(a) we have had to balance the public interest for and against disclosing the information requested.

It would not be in the interests of the UK's national security for DfT to release information it holds regarding attacks against its IT systems. This information could assist a criminal to deduce if their attacks had been detected or not and so would enable individuals to deduce how successful the UK is in detecting these attacks. Release of this information would assist an attacker in testing the effectiveness of the UK's defences against such attacks. A criminal may deduce they have been detected and so cease their attack, which may in turn compromise any attempt by security or law enforcement agencies to identify them. This is not in the public interest. Any attempt to hack into an IT system is a criminal offence, and thus s.31(1)(a) is engaged.

It considering the balance of the public interest, it was acknowledged that answering these questions would promote understanding, accountability and transparency of the

effectiveness of measures and safeguards deployed by Government to protect information, money spent by it, and allow citizens to understand or challenge decisions made by it. However it is the duty of Government to ensure that its sensitive information is protected and therefore the overriding public interest is in ensuring that measures to prevent and detect attacks on Government information systems, and actions taken to identify and prosecute those who attempt to access them unlawfully are as effective as possible. This is in the public interest.

The attached annex A to this letter sets out the exemptions in full.

Question 3 - The Department for Transport includes seven agencies, a shared service centre and the central department. The figures for expenditure provided here on protecting information systems for the last five financial years is for the entire Department including its Agencies and shared service centre.

2006/07 - £ 720,411
2007/08 - £1,932,695
2008/09 - £3,717,629
2009/10 - £2,940,922
2010/11 - £1,658,491

These figures do not include expenditure where records are not available centrally. While details pertaining to some expenditure may exist in records held locally within the central Department and the Agencies, it could only be obtained at disproportionate costs in excess of £600. Therefore the information being withheld falls under exemptions under section 12 of the Freedom of Information Act 2000. Again annex A to this letter sets out the exemption in full.

If you are unhappy with the way the Department has handled your request or with the decisions made in relation to your request you may complain within two calendar months of the date of this letter by writing to the Department's Information Rights Unit at:

XXXXXXXXXX
Ashdown House
Sedlescombe Road North
Hastings
East Sussex TN37 7GA
E-mail: XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Please see attached details of DfT's complaints procedure and your right to complain to the Information Commissioner.

If you have any queries about this letter, please contact XXXXXXXXXXXXXXX on XXXXXXXXXXXXXXX. Please remember to quote the reference number above in any future communications.

Yours sincerely

XXXXXXXXXXXXXXXXXX

Your right to complain to DfT and the Information Commissioner

You have the right to complain within two calendar months of the date of this letter about the way in which your request for information was handled and/or about the decision not to disclose all or part of the information requested. In addition a complaint can be made that DfT has not complied with its FOI publication scheme.

Your complaint will be acknowledged and you will be advised of a target date by which to expect a response. Initially your complaint will be re-considered by the official who dealt with your request for information. If, after careful consideration, that official decides that his/her decision was correct, your complaint will automatically be referred to a senior independent official who will conduct a further review. You will be advised of the outcome of your complaint and if a decision is taken to disclose information originally withheld this will be done as soon as possible.

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

Annex A

Section 12

Exemption where cost of compliance exceeds appropriate limit

(1) Section 1(1) 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.

(2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.

(3) In subsections (1) and (2) “the appropriate limit” means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.

(4) The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority—

(a) by one person, or

(b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign,

the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.

(5) The Secretary of State may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are to be estimated.

Section 24

National security

(1) Information which does not fall within section 23(1) is exempt information if exemption from section 1(1)(b) is required for the purpose of safeguarding national security.

(2) The duty to confirm or deny does not arise if, or to the extent that, exemption from section 1(1)(a) is required for the purpose of safeguarding national security.

(3) A certificate signed by a Minister of the Crown certifying that exemption from section 1(1)(b), or from section 1(1)(a) and (b), is, or at any time was, required for the purpose of safeguarding national security shall, subject to section 60, be conclusive evidence of that fact.

(4) A certificate under subsection (3) may identify the information to which it applies by means of a general description and may be expressed to have prospective effect.

Section 31

Law enforcement

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:
 - (a) the prevention or detection of crime
 - (b) the apprehension or prosecution of offenders
 - (c) the administration of justice
 - (d) the assessment or collection of any tax or duty or of any imposition of a similar nature
 - (e) the operation of the immigration controls
 - (f) the maintenance of security and good order in prisons or in other institutions where persons are lawfully detained
 - (g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2)
 - (h) any civil proceedings which are brought by or on behalf of a public authority and arise out of an investigation conducted, for any of the purposes specified in subsection (2), by or on behalf of the authority by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under an enactment, or
 - (i) any inquiry held under the Fatal Accidents and Sudden Deaths Inquiries (Scotland) Act 1976 to the extent that the inquiry arises out of an investigation conducted, for any of the purposes specified in subsection (2), by or on behalf of the authority by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under an enactment.
2. The purposes referred to in subsection (1)(g) to (l) are:
 - (a) the purpose of ascertaining whether any person has failed to comply with the law
 - (b) the purpose of ascertaining whether any person is responsible for any conduct which is improper
 - (c) the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise
 - (d) the purpose of ascertaining a person's fitness or competence in relation to the management of bodies corporate or in relation to any profession or other activity which he is, or seeks to become, authorised to carry on
 - (e) the purpose of ascertaining the cause of an accident,
 - (f) the purpose of protecting charities against misconduct or mismanagement (whether by trustees or other persons) in their administration
 - (g) the purpose of protecting the property of charities from loss or misapplication
 - (h) the purpose of recovering the property of charities
 - (i) the purpose of securing the health, safety and welfare of persons at work, and
 - (j) the purpose of protecting persons other than persons at work against risk to health or safety arising out of or in connection with the actions of persons at work.

3. The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice any of the matters mentioned in subsection (1).