Request for information under the Freedom of Information Act – 2020.507
Released – 21 July 2020

Thank you for your email dated 3 July 2020, requesting information regarding IT software and development.

Please find detailed below a summary of your request, together with our response.

Summary of your request:

1.   Does your Trust have teams/departments that handle any of the following: Application/Software Development, Websites, Technical innovation? Yes/No, If Yes please name these teams/departments:

Communications Team for websites.

2.   How many members are in these teams/departments? And what roles are the teams/departments made up of?

One digital role.

3.   What technologies do the teams/departments use? For example: HTML5, C#, SQL, .NET Core 2.0

We can confirm that we hold the information for this part of your request, but we are unable to release this information as to do so could compromise the security of the system. This information is therefore exempt under Sections 31(1) Prevention and Detection of Crime and 24(1) National Security of the Freedom of Information Act 2000 (the FOIA). Disclosure of this information would be likely to both prejudice law enforcement and increase the vulnerability of the Trust, which could ultimately aid potential attackers.

Prejudice
Providing details of systems used may lead to the Trust being vulnerable to a cyber-attack. This information could aid attackers in selecting targets, thereby increasing the vulnerability of public authorities. The Trust believes that this would prejudice both the prevention and detection of cybercrime and national security. NHS organisations including the Trust hold large amounts of personal, sensitive and confidential data and there is a considerable public interest in protecting NHS organisations' systems from potential cyberattack.

Both Sections 31(1) and 24(1) are prejudice based exemptions and subject to a public interest test. This means that not only does the information have to prejudice one of the purposes listed, but before the information can be withheld, the public interest in preventing that prejudice must outweigh the public interest in disclosure.

Chair John Goulston **Chief Executive** Paul Bentley
Trust HQ The Oast, Unit D, Hermitage Court, Hermitage Lane, Barming, near Maidstone, Kent ME16 9NT

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Public Interest Test

Considerations in favour of disclosure:
- The inherent public interest in the openness and transparency of public authority dealings

Considerations against disclosure:
- Disclosing this information could expose the IT security systems of the Trust to the risk of a targeted attack
- Disclosing this information would increase the vulnerability of specific NHS organisations on a national level leading to the disruption of NHS organisations' ability to conduct business
- Disclosing this information could aid an attacker by highlighting areas or organisations that could be more vulnerable to attack than others
- Applying this exemption will prevent the disclosure of information that would facilitate or encourage criminal activity
- A successful attack would have a direct impact on patient care

Conclusion:
The Trust recognises that there is a public interest in the disclosure of information which facilitates the accountability and transparency of public bodies for decisions taken by them. However, there is also a public interest in the security of information held by the Trust which is put to the wider public interest.

Having undertaken the balancing exercise, the Trust has concluded that the public interest in maintaining the exemption significantly outweighs the public interest in disclosing the requested information. Particular weight has been placed on the severity of the prejudice which may be caused were the Trust to release details of products used.

Given that the definition of 'public' under the Act is considered to be the public at large, rather than just the individual applicant or a small group of people and that 'public interest' is not necessarily the same as what interests the public, it is considered that to release this information is likely to result in prejudice to the security systems of NHS organisations including the Trust which is not outweighed by the wider public interest for disclosure.

The Information Commissioner's Office (ICO) has confirmed that they consider that the safeguarding of national security also includes protecting potential targets even if there is no evidence that an attack is imminent. In recent months there have been published vulnerabilities against NHS organisations, including the very significant incident in May 2017. The Trust considers that the greater public interest lies with the security of the type of information held by them and that of third parties. In the Trust's opinion, the additional risk to clinical data held by the Trust and the impact a successful attack would have on direct patient care means disclosure cannot be justified.

4. Are the developments of the teams/departments open source? Yes/No, If Yes, please give any details you may be able to disclose regarding this.

Yes. We are not able to provide any further details as this information is exempt under sections 31(1) Prevention and Detection of Crime and 24(1) National Security of the Freedom of Information Act 2000. Please see the full details of the exemptions above at question 3.

5. What software methodology do the teams/departments use?

Software development is outsourced, thenTrust only performs UAT.

6. Do the teams/departments develop front facing service user websites/apps? Yes/No, If Yes, please give any details you may be able to disclose regarding this.

Yes, we either develop a product/solution ourselves or with our web development company.

7. Do the teams/departments work with clinical staff to formulate any innovative ideas they may have? Yes/No, If Yes, please give any details you may be able to disclose regarding this.

Yes, we work with services to scope, plan and build a product/solution that's best for them and the users.

8. **Have the teams/departments ever gone for external tenders for healthcare system developments? Yes/No, If Yes, please give any details you may be able to disclose regarding this.**

Yes, support for existing applications & a new application development for internal IT use.

9. Have the teams/departments ever done developments for other trusts/external entities? Yes/No, If Yes, please give any details you may be able to disclose regarding this.

No.

10. Have the teams/departments ever sold a development it has produced commercially? Yes/No, If Yes, please give any details you may be able to disclose regarding this.

No.

11. Have the teams/departments ever attempted to secure an innovation grant? Yes/No If Yes, please give any details you may be able to disclose regarding this.

Yes, for the way we used the wound assessment application in 2017 but were unsuccessful.

12. Were the teams/departments used during the COVID-19 crisis? Yes/No If Yes, please give any details you may be able to disclose regarding this. If No, why wasn't it used?

Yes, Trust uses all its teams where safe to do so during Covid-19 although some were redeployed.

13. Does your service provide mental health services? Yes/No If Yes, have the teams/departments been involved in developing these digitally/online?

No.

14. Do the teams/departments feel they have good visibility within the Trust regarding the services they can offer? Yes/No, please give any details you may be able to disclose regarding this.

Yes