

Request for information under the Freedom of Information Act – 2023.329
Released – 9 February 2023

Thank you for your email received 27 January 2023 requesting information regarding cyber security insurance.

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

Summary of your original request:

Does your organisation currently have cyber insurance or plan to invest in cyber insurance in the next 12 months?

If you have cyber insurance who is the policy with?

If you have cyber insurance when does the policy come up for renewal?

If you have cyber insurance what is the cost of your current policy or renewal?

The Trust is not able to confirm or deny if it holds any relevant information in response to this part of your request under Section 38(2) Health and Safety of the Freedom of Information Act 2000. We feel that if we were to confirm or deny if we held this information it could endanger the safety of individuals as it may leave the Trust vulnerable to cyber attacks. I have detailed below the relevant excerpt from the Act:

Section 38 – Health and safety

(1) Information is exempt information if its disclosure under this Act would, or would be likely to -

(a) endanger the physical or mental health or any individual, or

(b) endanger the safety of any individual

(2) 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, have either of the effects mentioned in within subsection (1).

Prejudice

Confirming or denying that we hold the information requested would prejudice the health and safety of the Trust's buildings, patients, staff and members of the public.

Section 38 is a prejudice-based exemption 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** Mairead McCormick

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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
- The public have a right to know whether authorities have robust security measures in place

Considerations against disclosure:

- The requested information is a control measure to protect Trust systems; if the Trust were to confirm or deny if it held the information requested and this was to be released into the public domain it would reveal our position, weaken our cyber security posture and could increase our risk of 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
- Applying this exemption will prevent the disclosure of information that could endanger the safety of individuals
- A successful attack would have a direct impact on the health and safety of patients

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 and would demonstrate that the Trust has robust security measures in place. However, there is also a public interest in the security of the Trust's buildings, staff, patients and visitors 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 confirming or denying if we hold any relevant information. Particular weight has been placed on the severity of the prejudice which may be caused were the Trust to release the requested information.

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 confirming or denying if we hold this information is likely to result in prejudice to the health and safety of the Trust's patients, which is not outweighed by the wider public interest for disclosure.

The Trust considers that the greater public interest lies with protecting staff, patients, and general members of the public which means disclosure cannot be justified.