

## Freedom of Information request 230-17

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### Request

I'm writing with a series of requests for information relating to the recent ransomware incident affecting you, this information is requested as it was at the time of this attack (except for logs which by nature will show before and after).

For all desktop, laptop and server computers in use by you please provide the following information (if you anticipate this information being difficult to collate for your entire network then please limit it to machines affected by this ransomware):

- What operating system was in use including what version, release version, service pack/build etc (e.g. Windows XP Service Pack 3 build 2600 release NT 5.1)?
- Is the OS currently supported e.g. for updates? Is this through a standard licence (e.g. windows 10) or a bespoke contract (e.g. continued support agreement for Windows XP)?

For the affected machines (or for all machines in the same category if this is done centrally and deployed to the individual machines wholesale), along with your relevant servers etc, could you please provide the following information:

- Please provide the full relevant update history/histories log where available (this may provide helpful guidance <https://support.microsoft.com/en-gb/help/902093/how-to-read-the-windowsupdate.log-file>). This may be held centrally or PC by PC.
- Specifically, even if for any reason you do not provide the full log as requested or alongside it, could you say 1. When was the last system update and /or security patch installed?, 2. has the MS17-010 patch been installed on the machine/s and 3. has/have the machine/s had Microsoft's full March 14 'patch Tuesday' patch releases installed?

### Response

We are withholding this information under Section 24 (1) (National Security) of the Freedom of Information Act and Section 31(1) (a) of the Act (law enforcement) which covers all aspects of the prevention and detection of crime. Both section 24 and 31 are qualified exemptions, which means they are subject to a public interest test. Under Section 24 (1) we consider that disclosure would not be in the interest of the Board's security. Disclosing details about cyber-attacks, including the frequency and damage caused by such attacks, could allow individuals to assess the strength of our defenses.

The public interest arguments against disclosure under Section 31 (1) (a) are similar. Any attempt to hack into an IT system is a criminal offence. Disclosing this information could aid, and indeed encourage, a criminal who was intent on launching an attack on the Department's ICT systems and could expose the Board to potential threats such as targeted e-crime.

We acknowledge the public interest in openness and transparency. We also appreciate that disclosure of this information would provide information on the scale of threat posed by cyber attacks. However, for the reasons outlined we have concluded that the balance of public interest favours withholding this information.

If you are not satisfied with the way your request has been handled or the decision given, you may ask NHS Borders to review its actions and the decision. If you would like to request a review please apply in writing to, Freedom of Information Review, NHS Borders, Room 2EC3, Education Centre, Borders General Hospital, Melrose, TD6 9BS or [foi.enquiries@borders.scot.nhs.uk](mailto:foi.enquiries@borders.scot.nhs.uk).

The request for a review should include your name and address for correspondence, the request for information to which the request relates and the issue which you wish to be reviewed. Please state the reference number **230-17** on this request. Your request should be made within 40 working days from receipt of this letter.

If following this review, you remain dissatisfied with the outcome, you may appeal to the Scottish Information Commissioner and request an investigation of your complaint. Your request to the Scottish Information Commissioner should be in writing (or other permanent form), stating your name and an address for correspondence. You should provide the details of the request and your reasons for dissatisfaction with both the original response by NHS Borders and your reasons for dissatisfaction with the outcome of the internal review. Your application for an investigation by the Scottish Information Commissioner must be made within six months of your receipt of the response with which you are dissatisfied. The address for the Office of the Scottish Information Commissioner is, Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife.