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[Redacted]

By email: [Redacted]

Our ref: FOI2019/18258
20 September 2019

Dear [Redacted]

REQUEST FOR INFORMATION: Data Storage

Thank you for your request for information of 23 August 2019 about data storage. We have handled your request under the Freedom of Information Act 2000 (FOIA).

The information you requested and our response are detailed below.

- 1) *Who provides the data storage service for the department?*

CapGemini, ATOS, Microsoft and AWS (Amazon Web Services)

- 2) *Do you store personal data (as defined in GDPR) about UK citizens*

Yes

- 3) *Do you store personal data (as defined in GDPR) about EU citizens*

Yes

- 4) *What countries are these personal data stored in?*

The majority of the personal data is stored in the UK but we hold personal data within the EEA (Ireland and the Netherlands).

- 5) *Where data are stored outside of the UK, what is the nature of the data, e.g. personal, anonymised, environmental or demographic?*

Personal, environmental and geospatial

- 6) *Where personal data of UK citizens are being held in EU member states, what provisions have been made to ensure the free flow of that personal data between the UK and those EU member states?*

Defra uses a range of approaches to ensure compliance with Data Protection legislation including GDPR (General Data Protection Regulations) and the Data Protection Act (2018) including Standard Contractual Clauses.



7) *What provisions have been made to do so in the event of a no-deal Brexit?*

Defra has put a range of mitigations in place to manage the possibility of a no deal EU Exit including approaches such as Standard Contractual Clauses and Safe Harbour arrangements with the US, and using existing or replacement UK-based hosted solutions.

8) *Are there any plans to move the data before the 31st October?*

No.

9) *Is there a department risk assessment about data access? Please include any such assessment as part of your response.*

Information on the measures we have taken to protect personal information for Defra falls under the exemption in section 31(1)(a) of the FOIA, which relates to the prevention or detection of crime. We have applied section 31(3) of this exemption, which removes Defra's duty in section 1(1)(a) of the FOIA to tell you whether Defra holds the requested information in question 9. We can neither confirm nor deny that Defra holds information falling within the description specified in your request. This statement should not be taken as an indication that the information you requested is, or is not, held by the Department. In applying this exemption, we have had to balance the public interest in providing the neither confirm nor deny response.

We recognise that there is a public interest in the disclosure of whether information exists concerning the security measures and protection of personal data as this will promote openness and transparency within Government. Cyber-crime is a high profile issue and is of great public interest, not least because the prevention and protection of government IT equipment and systems involves large budgets and the spending of public funds, as does the protection of personal data and issues related to preparation for EU Exit.

On the other hand, there is a strong public interest in withholding whether information exists about personal and cyber security and associated risks, and the measures we have put in place, because any attempt to carry out a cyber-attack against an IT system, users or an attempt to make unauthorised access to personal data is a criminal offence. Confirming the risks and the counter-measures we have put in place would assist someone either attacking or in testing the effectiveness of Defra's defences against such potential or actual attacks. Members of the public can have confidence that the government systems in place are secure and robust, as they are not only used to run the workings of government but involve the personal data of sections of the public. Therefore, it is in the public interest to withhold any information if it may be the case that disclosure would undermine the safety and security of the government systems and associated personal data.

Therefore, we have concluded that in all the circumstances of the case, the information should be withheld.

Information disclosed in response to this FOIA request is releasable to the public. In keeping with the spirit and effect of the FOIA and the government's Transparency Agenda,

this letter and the information disclosed to you may be placed on [GOV.UK](https://www.gov.uk), together with any related information that will provide a key to its wider context. No information identifying you will be placed on the GOV.UK website.

We attach Annex A, explaining the copyright that applies to the information being released to you, and Annex B giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter please contact me.

Yours sincerely

[Redacted]

Information Rights Team

InformationRequests@defra.gov.uk

Annex A

Copyright

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Annex B

Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 11 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Andrew Mobsby, Head of Information Rights, Area 5B, Nobel House, 17 Smith Square, London, SW1P 3JR (email: InformationRequests@defra.gov.uk) and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our [website](#).

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner's Office (ICO) for a decision. Please note that generally the ICO cannot make a decision unless you have first exhausted Defra's own complaints procedure. The ICO can be contacted at:

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