



Pubs Code Adjudicator

Office of the Pubs Code Adjudicator
Lower Ground
Victoria Square House
Victoria Square
Birmingham
B2 4AJ

Email: office@pubscodeadjudicator.gov.uk

16 December 2020

[REDACTED]

Thank you for your email received on 6 November 2020 in which you requested information from the office of the Pubs Code Adjudicator (PCA) under the Freedom of Information Act 2000 (FOI Act).

The FOI Act entitles you to:

- know whether the information you have requested is held by the PCA; and
- be provided with that information, subject to any exemptions in the FOI Act which may apply.

You have requested the following information:

Freedom of Information Request

“Could you please provide a list of the most popular operating systems used in the department”

We sought clarification from you on 11 November 2020 as to what you meant by:

- a) “operating systems”
- b) “the department”

Your response on 12 November 2020 to the clarification request was “both”.

Further clarification on your response was sought by email. On 16 November 2020 you responded with:

“I mean by the term operating systems as what operating system your computers/hardware and servers use and their version could this be provided as a list (1 most popular)”

The FOI Act gives you the right to know whether we hold the information you have requested and to have it communicated to you subject to any exemptions which may apply.



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I confirm that the PCA does hold information relevant to your request. The PCA is an arm's length body of the Department for Business, Energy and Industrial Strategy (BEIS). All IT equipment, software, maintenance, support and related services are provided to the PCA by BEIS. The PCA uses Windows 10 as its IT operating system.

Some information relevant to your request is exempt under section 31(1)(a) of the FOI Act.

Section 31: Law Enforcement

We are unable to provide you with some of the information you have requested because it is exempt from disclosure under section 31(1)(a) of the FOI Act. Section 31(1)(a) exempts information if its disclosure is likely to prejudice the prevention or detection of crime. This relates to providing the version of the operating system that is used since making it publicly known which particular version of the operating system is in use makes it more vulnerable to malicious attack to undermine that operating system.

Section 31 is a qualified exemption, and we are required to conduct a public interest test when applying any qualified exemption. In applying the public interest test, I have considered whether the public interest lies in favour of disclosing the information or whether it lies in maintaining the exemption and withholding the information. In favour of the release of the information I have considered the principle that there is a public interest in transparency and accountability in disclosing information about the operation of a public authority. However, knowing the particular version of the system provides little benefit beyond the identification of the platform itself. However the release of this information may make the PCA and/or BEIS more vulnerable to crime, since understanding the particular version in use makes it possible to focus ways on undermining that system more specifically, and exposes the PCA/BEIS to the potential for malicious attack on systems, with serious consequences if successful. The release of this information may prejudice the prevention or detection of crime by making the PCA's computer systems more vulnerable to hacking and facilitate the potential for criminal offences to be committed. There is an overwhelming public interest in keeping government and public authorities computer systems secure, which would be served by non-disclosure. This would outweigh the benefits of release. I am satisfied therefore that the balance of the public interest lies in favour of withholding the information and maintaining the exemption.

If you do not believe that the office of the PCA has provided an appropriate response to your request, as set out above, you are entitled to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original request and should be made in writing, quoting the above reference, to office@pubscodeadjudicator.gov.uk or:

PCA
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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.

Yours sincerely,

[Redacted signature]