**FOI 23 22: Additional explanatory information**

The information contained in part 1 of your request concerns the technologies used at WICS. These technologies are essential and critical to the carrying out of WICS core public functions. We consider that there is a very real risk associated with disclosing this information. If made publicly available, individuals may attempt to use this information to cause harm to WICS IT and information assets. The impact of such an attack on could be significant.

This information could reveal details of the IT infrastructure currently in place at WICS, which could, in turn, assist in identifying any known vulnerabilities that exist. This could help a determined and knowledgeable individual formulate how best to target and attack the infrastructure. This gives rise to an increased risk to the confidentiality, integrity and availability of WICS IT services and information assets. This risk must be viewed against the backdrop of the recent increase in sophisticated, targeted cyber-attacks against Scottish public sector bodies.

If successful, a cyber-attack has the potential to compromise WICS IT infrastructure, resulting in downtime and the potential non-availability of critical systems and / or the potential diversion of human resources and finances towards responding to the cyber-attack and addressing its fallout. This would significantly impact WICS operational efficacy, its reputation and the ability to carry out its statutory activities, and thereby substantially prejudice the effective conduct of public affairs.

The exemption contained in Section 30(c) of FOISA is a non-absolute exemption. This involves WICS considering the public interest test in Section 2(1)(b) of FOISA and assessing whether in all the circumstances, the public interest is better served by disclosing the information or by maintaining the exemption and withholding the information from disclosure.

We consider that there is a public interest in WICS being transparent and accountable for the management of its finances and decisions made with regard to the technologies that it has invested in to assist it in carrying out its statutory functions. Disclosure of the requested information would inform the public in this regard.

However, at the same time, it would not be in the public interest for information to be disclosed into the public domain, resulting in there being a significant probability of an increased risk of WICS being exposed to a cyber-attack, with the aforementioned consequences, thereby leaving WICS unable to properly fulfil its statutory functions. Any successful cyber-attack would also lead to a significant increase in costs. This is not in the public interest.

We consider that it is not in the public interest for information to be disclosed and are therefore able to rely on the exemption contained in Section 30(c) of FOISA.

If you are dissatisfied with the way in which we have dealt with your request, you are entitled to request a review of our actions and decisions in relation to this request. Please note that in order for a review to take place, you must:

* Lodge a written “requirement for review” within 40 working days of the date of this response;
* Include your address for correspondence, a description of the original request and the reasons why you are dissatisfied; and
* Address the review request to:

*Review Officer*

*Water Industry Commission for Scotland*

*First Floor*

*Moray House*

*Stirling*

*FK8 1QZ*

The review will be handled by a member of staff who was not involved in the original decision. You will receive notice of the result of your review within 20 working days of us receiving your request for review.

If you remain dissatisfied with the decision that we issue once the review has been completed or if we fail to carry out a review, you are entitled to apply for a decision by the Scottish Information Commissioner.

Applications for Decision must:

* Be in writing or other permanent form;
* Contain your name and address for correspondence;
* Specify the request for information to which the application relates;
* Specify the particulars of your reasons(s) for the application; and
* Specify the particulars of your dissatisfaction of the review outcome.

The Scottish Information Commissioner can be contacted at:

*Scottish Information Commissioner*

*Kinburn Castle*

*Doubledykes Road*

*St Andrews*

*Fife*

*KY16 9DS*

*Telephone: 01334 464610*

*E-mail:* [*enquiries@itspublicknowledge.info*](mailto:enquiries@itspublicknowledge.info)

You may also make a complaint about how we have handled your request for information in accordance with our Complaints Handling Procedure. Further information is available at: [How to complain about the Water Industry Commission for Scotland (WICS) | WICS](https://wics.scot/contact-us/how-complain-about-water-industry-commission)