



Mr Mark Tighe,
Sunday Times
4th Floor
Bishops Square,
Redmond's Hill
Dublin 2

Re: FOI request 05 March 2008

Dear Mr Tighe,

I am to refer to part 4 of your request under the Freedom of Information Acts 1997 and 2003, requesting details "Records showing any data protection breaches in the department from January 2005 to present"

I would wish firstly to apologise for the late response to your request.

As I explained in our conversation on the 8th May, there are no records of the release of personal information as defined under the Data protection Acts. However there was a limited release of some information following a software upgrade that falls into a grey area because whilst commercial, it may with additional local knowledge be associated with individuals.

As agreed in our phone conversation, I am releasing a review of the incident, providing background, impact and mitigation. The document contained references to a number of private individuals and companies, and I have removed this information from the document.

The Freedom of Information Act provides for the right to appeal a decision taken under the Act within four weeks of the initial decision. Should you wish to make such an appeal you may do so in writing to Mr Frank O'Brien, FOI Unit Department of Communications, Energy and Natural Resources, Elm House, Earlsvale Road, Cavan. The appeal is a full and new examination of the matter carried out by a senior member of this Department. The Act requires that this review be completed within three weeks of receipt of such request.

Yours Sincerely

Joe Birthistle
Assistant Principal Officer
Information Systems Division
27 May 2008

Ms Kelly,

Report and Recommendations following the erroneous release of confidential Sales Notes Data to Third parties.

Background

The Department introduced a comprehensive regime for the collection of sales notes in Ireland on January 1st 2007. This was required under Article 9 of Council Regulation (EEC) No. 2847/93 of 12 October 1993, Article 22 of Council Regulation (EC) No. 2371/2002 of 20 December 2002, Part A of Annex III of Council Regulation (EC) No. 41/2006 of 21 December 2006 and underpinned in Irish Legislation by Statutory Instrument No. 260 of 2007 (Sea-Fisheries (First Marketing of Fish) Regulations, 2007).

It is a requirement that all auction centres and buyers of first sale fish be registered with the Department under the terms of this regime and submit sales notes, electronically, within 48 hours of the first sale of fish.

In keeping with the Government's policy of developing Ireland's knowledge economy, registration and the subsequent submission of sales notes is via the web portal www.fishingnet.ie.

In brief, the legislation states that:-

1. All buyers of first sale fish must be registered with the Department.
2. It is illegal to buy first sale fish if you are not registered.
3. All buyers of first sale fish must submit, electronically, sales notes 48 hours after the sale has taken place.
4. It is illegal to buy first sale fish from an unlicensed fishing vessel.
5. It is illegal for fishermen to sell first sale fish to unregistered buyers.

The system released, formed part of the overall IFIS infrastructure, and one of the key facilities made available to registered buyers was the ability to view previous sales notes submitted by them. They were not able to view data submitted by other customers. This facility was included in the design to reduce the administrative burden on customers by negating the need to keep hard copy of the sales notes submitted by them, and reduce the incidences of duplicate sales notes being submitted. It also allowed them to notify the SFPA if there were errors on previous sales notes submitted - they were not able to edit sales notes once submitted but could add a comment after reviewing it on screen.

The system has been operating successfully since January, and has undergone a number of upgrades due to bugs identified and suggested improvements from customers and Departmental/SFPA personnel.

Detail of events

At 7:30pm on Friday 2nd November 2007, a necessary upgrade of the IFIS and Internet IFIS systems was made available.

The major features of the upgrade were mostly in relation to IFIS of which the more significant enhancements included

1. The Bulk Renewal of Licences
2. "Cod Recovery" reporting
3. "Days at Sea" reporting
4. "Lirguard Vessel Match" reporting.

However, the upgrade afforded the IFIS Support Team the opportunity to release a number of smaller improvements to Internet IFIS including:

1. The ability to enter Shellfish Harvest information on a Sales Note
2. Correcting the contact information on the Sales Notes web site.
3. Correcting the way fishing boat information is handled on a Sales Note.

Full details of the upgrade are given in the following document:

[\\intranet\IFIS\LiveRelease\IFIS-ReleaseNote-LiveRelease-007.011.004.doc](#)

However, as a result of the upgrade a defect was introduced into the system whereby a registered "Sales Notes" user could search for and view sales notes information associated with other customers of the department.

This defect was introduced when trying to fix another defect. The other defect was causing the "Primary Contact" information to be saved against the sales note instead of the "Registered Fish Buyer" information. In the case where a fish buyer is a company or limited partnership, then the Primary Contact is not the Registered Fish Buyer, the former is a person e.g. Joe Murphy and the latter is a corporate entity e.g. Fish Buyers Ltd. This defect was causing confusion among the Department personnel whose job it is to process sales notes.

The IFIS Support Team was notified of the bug on Monday 5th November 2007 at approximately 5:30pm by Anita Doherty (SFPA). Upon confirming that the problem did exist, access to the Internet IFIS system was immediately disabled. This occurred at approximately 5:40pm.

Ms Doherty had earlier been notified of the issue by a [Individual's name deleted] an agent for a number of fishing vessels who is a primary contact for a registered buyer ([company's name deleted]). We believe (though have no

confirmation) that [Individual's name deleted] may have sold this business to a [Individual's name deleted]. Please refer to "implications section" below to see the import of this.

Following the disabling of the system, the IFIS Support Team immediately began to track down the cause of defect which was identified and rectified on the following morning.

In addition to fixing this defect, a further check to ensure that sales notes information cannot be accessed or modified inappropriately was implemented.

Both changes were deployed onto the User Acceptance Test (UAT) system. They were tested by the team lead of the dedicated ISD Test Team.

On verification that both the fix and the new security check worked on the UAT system, the changes were deployed to the Production system at 12:30pm. Single user access to the Internet IFIS system was enabled briefly to allow the fixes to be verified on the Production system. Following verification, all access to the production Internet IFIS system was again disabled and remains so until instructions are so issued.

Implications

From the time the error occurred (7:30pm on Friday 2nd November 2007) until the system was closed down (5:40PM Monday 5th November 2007), 9 companies logged on to the Sales Notes system:

Name	Contact	Sales Notes entered
1. ([company's name deleted])	[Individual's name deleted]	35
2. ([company's name deleted])	[Individual's name deleted]	5
3. ([company's name deleted])	[Individual's name deleted]	5
4. ([company's name deleted])	[Individual's name deleted]	2
5. ([company's name deleted])	[Individual's name deleted]	1
6. ([company's name deleted])	[Individual's name deleted]	7
7. ([company's name deleted])	[Individual's name deleted]	4
8. ([company's name deleted])	[Individual's name deleted]	2
9. ([company's name deleted])	[Individual's name deleted]	0

Of these only two used the search facility namely ([company's name deleted]) and ([company's name deleted]). Though, as mentioned previously, we know that other individuals are aware of the problem.

In total this year there have been 6,045 sales notes entered by 51 users. Each user had to login to the www.fishingnet.ie portal in order to be able to enter sales notes.

Looking at the logs, there have been at least 233 instances where the "Sales Note Search" facility was used.

Steps being put in place to avoid a repetition.

- Future releases will be subject to a greater focus on security.
- Test scripts will be created so that a reoccurrence cannot happen.

- Ensure that, for all future upgrades/releases, protocols will be put in place which will include specific tests requiring that testers in UAT log into UAT Internet IFIS as a number of different users and check that they can only access sales notes appropriate to the logged in user.

- These tests will also occur at development times

- The development team are performing an audit of the data access code used by Internet IFIS. This audit will serve 2 purposes.
 - Firstly, as per the original design, that all data access calls from anywhere in Internet IFIS are being channelled through a single security module.
 - Secondly, this security module is to be enhanced such that regardless of what data access call is being made from anywhere in the application, it will guarantee that the data being retrieved is associated/owned by the registered user currently logged in.

This ensures that even if a bug, such as the one that transpired this week, were to appear elsewhere in code, or that a malicious attempt was made to hack into another users data, the data access security module would be the ultimate line of defence and would prevent it in all circumstances.

Possible courses of action:

Irrespective of the decision on the options outlined below it is proposed that the Department make a statement and post it appropriately on the www.fishingnet.ie website, this to be done as a matter of urgency. Suggested text will be appended to this report.

Assumptions: The following options are given on the understanding that Ireland has to operate a system whereby sales notes can be recorded to meet it's obligations under Article 9 of Council Regulation (EEC) No. 2847/93 of 12 October 1993.

Option 1.

That the Department ceases the electronic facility to submit sales notes and reverts to a paper driven system.

This would be a very retrograde step and flies in the face of E-Government policy. It would be cumbersome and would require additional resources in the SFPA to administer. In addition it would also entail additional burdens being placed on the buyers of first sale fish from an administrative and resource perspective. There is no guarantee that hard copy sales notes would not go astray and subsequently get into the public domain placing us in exactly the same position.

Option 2.

That the Department re-activates the sales note system in its entirety (including the search function).

This option maintains the current level of functionality and customer service. It avoids any further resource or administrative demands on the buyer which would be resisted if mooted. It would prevent any further resource demands from an SFPA perspective. It would have the added benefit that any investigation due to cross-referencing sales notes and logsheets could be progressed more efficiently by both SFPA and buyer.

However it should be noted that as confidence in the system has been shaken, in the short term at least, there may be resistance in some quarters, no matter what guarantees are given, to participate in the electronic submission of sales notes. As with all endeavours you cannot fully eliminate the possibility of human error. The steps now being taken to avoid a recurrence, as outlined above, cannot give a 100% guarantee.

Option 3.

That the Department re-activates the sales note system (excluding the search function).

This option, while continuing to provide customers with the ability to submit sales notes electronically, eliminates any possibility of access to any third party to the data. However, it is a reduction in the level of customer service being provided. It will increase the burden on the buyer and necessitate the retention of hard copy by them thus making compliance more difficult. It will make the detection of errors in the data and the elimination of same more difficult for both the buyer and the SFPA.

While cutting out the possibility of third party access, this does not mean that, in the short term, buyer confidence and willingness to submit electronically will be any greater than for option 2.

Recommendation:

It is proposed that the Department sanctions option 2 as the best course of action going forward.

The potential risk of a recurrence of an error of this magnitude and one which makes confidential commercial information available to third parties is very low considering the level of protocols and process being put in place for any future developmental activity on the IFIS and Internet IFIS systems.

On consideration this low level of risk outweighs the certain deterioration of customer service resulting from options 1 and 3. It also negates the certain increase of resources required by the SFPA and buyers alike if either of the other options are proceeded with.

Kevin Moriarty
Seafood, Policy and Development division

12th November 2007

Appendix

Suggested wording for release onto website fishingnet.ie.

At 7:30pm on Friday 2nd November 2007, a necessary upgrade of the IFIS and Internet IFIS systems took place. This included the Sales Note facility.

On activating the upgrade, a bug was inadvertently introduced into the system which overrode a filter preventing any user except the logged in user from viewing their own sales notes. In effect, if a buyer used the "Search a Sales Note" facility, sales notes for other buyers were shown and not just those linked to the logged in buyer.

The Department was notified of the problem at 5:30 on Monday 5th October and the system was shut down at 5:40 pm on that day.

Records show that two customers used the search facility in that period.

A detailed investigation into the failure has been completed and the fault rectified. In addition stringent protocols and procedures have been put in place to prevent a similar occurrence in the future.

The Department apologises unreservedly for this compromise of sales note data.

For further information contact

Kevin Moriarty:

Email: kevin.moriarty@dcenr.gov.ie

Ph 00-353-1-6783332



27th March, 2008

Mr. Mark Tighe,
News Reporter,
The Sunday Times,
4th Floor,
Bishop's Square,
Redmond's Hill,
Dublin 2.

Dear Mr. Tighe,

I refer to the Freedom of Information request received in this office on 11th March, 2008 and the associated fee which was received in the FOI Unit on 27th March, 2008.

Your request has been circulated to 4 divisions with the Department and the following decision-makers have been nominated to deal with your request:

Part 1: Records relating to Computer Audits. Ref. No: FOI/0023/2008
Decision-maker: Ann Kissane, HR Division, Phone No. 01 6782173.

Part 2: Records relating to how much the Department spent on bottled water.
Ref. No: FOI/0020/2008
Decision-maker: Tracey Hall, Corporate Services, Phone No. 01 6782554.

Part 3: Records relating to the proposed new Broadcast Bill. Ref. No: FOI/0021/2008
Decision-maker: Bill Morrissey, Broadcasting Policy Division, Phone 01 6783176.

Part 4: Records relating to Data Protection Issues. Ref. No: FOI/0022/2008
Decision-maker: Joe Birthistle, Information Systems Division, Phone 01 6782205.

The postal address for all of the above is 29 – 31 Adelaide Rd., Dublin 2.

A final decision on your request will normally be sent to you within 4 weeks of receipt of your request. This means that you can expect to receive your decision by the 11th April, 2008.

If you have not heard from us when the time allocated has expired, you are automatically entitled to appeal to the Department for a review of the matter. This review proceeds on the legal basis that the initial request is considered to be refused once the specified time for responding to it has expired.

You should also be aware that you are entitled to a review of the decision if your request is refused, or if you are for any reason dissatisfied with the outcome of your request. The review is a full and new examination of the matter carried out by a more senior member of staff of this Department. In the event that you need to make an appeal, you can do so by writing to Mr. Frank O'Brien, FOI Unit, Department of Communications, Energy & Natural Resources, Elm House, Earlsvale Rd., Cavan. Please note that there is a charge for all appeals of FOI requests. This charge is currently €75.00. A reduced fee of €25.00 applies if you are the holder of a Medical Card.

Please note that the Department of Communications, Energy & Natural Resources has a policy of posting a summary of your request, your name and address and the subsequent reply on the Department's website for reference purposes.

Yours sincerely,

Mary Rabbitte
FOI Unit
PH: 01 6782903