

Sequential requests refer to requests which involve a requirement for additional information to be sought on the basis of initial findings (for example identifying the beneficial owners of an entity and further identifying other entities that they own). All jurisdictions have processes in place to respond to these kinds of request, in most cases they are conducted manually.

7. Provision of systems to allow sharing of information without conditions on use

Criterion: beneficial ownership information supplied under these Arrangements can be used by Participants law enforcement authorities free from any further procedural conditions, including in criminal and/or civil proceedings, and may be disclosed by law enforcement in accordance with applicable legal provisions, including data protection and freedom of information.

Some issues were reported in the initial six months of the Arrangements in which data was disclosed to UK authorities with explicit restrictions on use. These reduced the impact of the EoN as the information was not always available, for example as evidence in prosecutions. However, these issues appear to have been resolved following further collaboration between UK authorities and authorities in other jurisdictions. We are only aware of one case of caveated data after the initial six-month period during 2018.

The Serious Fraud Office reported a number of examples where the ability to use this information evidentially has been beneficial to them. For example, being able to put information obtained through the EoN process to a suspect in interview without the need for further requests for use of the material via the Mutual Legal Assistance (MLA) / Letter of Request (LoR) process.

It should also be noted that some jurisdictions have expressed reservations about information being available through UK Freedom of Information requests. The UK Government has clarified the legal position with regard to the Freedom of Information Act 2000, which is that disclosure or non-disclosure of each case needs to be considered on its own merits by the LEA concerned.