

Reference: 2024-001

Thank you for your email in which you requested the following information under the Freedom of Information Act 2000 (FOIA):

Please could you tell me how many laptops, tablets and phones belonging to staff at the Serious Fraud Office were misplaced in 2023.

I would like this data to include the following information:

- **How each device was misplaced (i.e. lost or stolen?)**
- **Which agency/service the devices belonged to**
- **Whether the devices were encrypted**
- **The type of device that was lost (i.e. laptop, phone or tablet, and the make/model)**
- **How many of these misplaced devices were found or handed in.**

Response

The SFO holds this information. However, it is exempt from release under section 31(1) of the FOIA.

Section 31(1)(a)(b) and (c) provides that:

Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice—

- (a) the prevention or detection of crime,*
- (b) the apprehension or prosecution of offenders,*
- (c) the administration of justice:*

How the exemption is engaged

As a law enforcement agency, the SFO holds highly sensitive information which is of interest to others, including those we investigate. Releasing detailed information about the SFO's IT systems and tools could therefore compromise our ability to protect SFO investigative material and information systems, thereby prejudicing the interests at (a) (b) and (c) above.

The public interest test

Section 31(1) is a qualified exemption and requires consideration of whether, in all the circumstances of the case, the public interest in exempting this data outweighs the public interest in disclosing it. More information about exemptions in general and the public interest test is available on the ICO's website at www.ico.org.uk.

It is recognised that there is a general public interest in publicising information about the SFO, so that the public knows that serious fraud, bribery, and corruption are being investigated and prosecuted effectively, and so that the public can be reassured about the general conduct of our organisation and how public money is spent.

However, following our consideration of the public interest in releasing this information, we consider that the stronger interest lies in maintaining the exemption at section 31(1) of the FOIA. Primarily, the risk that this information could pose to the SFO's security systems against which it is essential to safeguard given the highly sensitive nature of the information held as a law enforcement agency. Releasing sensitive information regarding IT software risks compromising the SFO's ability to provide and maintain data security for the cases at pre-investigation, investigation, prosecution stages and beyond.

Having considered the opposing arguments, I believe that the stronger public interest lies in exempting the information from release.