

**Reference: 2024-012**

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

- 1. Has Microsoft (or a third party on its behalf) carried out an audit of your Microsoft software assets in the last 8 years?**
- 2. If so, what date did any such audits start and finish?**
- 3. What is the corporate identity of the party carrying out the audit, e.g. Microsoft or the name of the third-party auditing company?**
- 4. Did the audit identify any breaches of, underlicensing, or non-compliance with, your licensing conditions?**
- 5. If so, were any incentives relating to such breaches or non-compliance given by Microsoft to encourage your organisation to move to Microsoft cloud subscription licences?**
- 6. If so, please provide details of these incentives.**

**Response**

The SFO holds this information. The extent of the information that we are able to share around IT contracts can be seen via Contracts Finder. Please check the following site for details: [Search results - Contracts Finder](#). However, the specific information you have requested 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.

**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](http://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, this information could pose a risk 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.