

**Reference: 2024-015**

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

**1. How many civil and criminal court cases relating to the SFO's investigation into Eurasian Natural Resources Corp has the SFO been party to? Kindly include court cases in other jurisdictions. Please identify these court cases and their outcome.**

**2. What were the costs to the SFO of defending the cases combined in judgment [2023] EWHC 3280 (Comm) (Claim numbers CL-2017-000583 and CL-2019-000644)?**

**I understand that there have been various lawsuits and legal applications against the SFO at various times, comprising judicial review applications from individuals prosecuted for failing to comply with Section 2 obligations, through to the full trial of the misfeasance in public office case.**

**I ask that the term "lawsuits" in this request be treated broadly to understand the full cost to the SFO of the various applications and countersuits, but would appreciate if, in your response, you could include at least a brief summary of how you have interpreted these requests such that it is clear what the figures refer to.**

**Response**

Please see below our response to your questions in the order asked.

**Question 1**

We hold information responsive to your request.

We can confirm that there have been nine cases in relation to this investigation.

There have been two criminal cases which have been successfully prosecuted by the SFO. In addition, there have been two judicial reviews and five civil claims.

All of these cases were in the UK and details are in the public domain, can be accessed via court records and additionally, in relation to the two criminal cases, details cases can be found on the case pages of our website.

As the outcomes are a matter of public record, we are exempting the provision of further details under section 21 of the FOIA.

This information is exempt by virtue of section 21(1), which provides that:

*(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.*

*(2) For the purposes of subsection (1)—*

*(a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and*

*(b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.*

**How the exemption is engaged**

The information you have requested is available in the public domain and therefore this information would be considered 'reasonably accessible'. For this reason, the information is exempt from release pursuant to section 21 of the FOIA. Section 21 of the FOIA is an absolute exemption and we are therefore not required to consider the public interest in releasing the information requested.

## Question 2

I can confirm that the Serious Fraud Office (SFO) holds the information you have requested in each of your questions. However, this information is exempt by virtue of Section 31 of the FOIA.

Section 31(1) 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

Section 31 permits the exemption of information from release when the “disclosure of which would, or would be likely to, prejudice certain specified law enforcement matters”. This exemption is engaged in this response because of the prejudice or likely prejudice caused by the cumulative effect of disclosing information in response to a series of requests of a similar nature (the ‘precedent effect’).

The SFO investigates and prosecutes only the most serious or complex fraud, bribery and corruption. We have a relatively small caseload and routinely disclosing information about the cost of cases risks creating an increasingly detailed picture of how the SFO decides to deploy its resources within and between cases. The SFO routinely publishes its Annual Report and Accounts, where some information relating to costs can be found. The SFO has recently published its 2022-2023 Annual Report and Accounts which can be found [here](#).

### Public interest test

Section 31 is a qualified exemption and requires consideration of the public interest in order for the exemption to be maintained. More information about exemptions, the precedent effect and the public interest test is available on the ICO’s website at <https://ico.org.uk/>.

We acknowledge that there is public interest in understanding the general process the SFO uses to investigate fraud, the resourcing of our work, and how public money is spent. The SFO already takes steps to meet this interest by publishing our Annual Report and Accounts.

We consider that the stronger public interest lies in maintaining the exemption at section 31(1) of the FOIA. We are satisfied that releasing the information you have requested could set a precedent whereby the costs of each SFO case could be released through the FOIA, thereby allowing members of the public (including suspects and/or defendants) to determine which cases the SFO is prioritising, and any areas of focus for the organisation, while also providing details that could indicate changes in our caseload.