

Reference: 2024-030

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

1. **Since 01/01/2022 to the present, staffing levels at the SFO by business area.**
2. **The probationary period for a new employee.**
3. **The number of new employees who have left;**
 - a) **how long they were employed.**
 - b) **and reason given for leaving.**

Response

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

Question 1

I can confirm that the Serious Fraud Office (SFO) holds the information you have requested.

You will be able to find the information organised by financial year on the SFO website in our Annual Reports and Accounts (ARA) here: <https://www.sfo.gov.uk/publications/corporate-information/annual-reports-accounts/>.

The information you have requested in relation to 2023-24 calendar year which has not yet been published is exempt by virtue of Section 22 (1)(a) of the FOIA. This section reads as follows:

Section 22 (1): Information is exempt if—

(a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not).

How the exemption is engaged

Section 22 exempts the immediate release of information when it is planned for future publication. The information you have requested is currently being prepared for publication, and will be available in due course, therefore it is exempt under section 22 of the FOIA.

The public interest test

Section 22 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 www.ico.org.uk.

We recognise the public interest in regularly publishing information about staffing and recruitment processes. We understand the importance of transparency and publicising how the organisation spends public money in meeting this public interest.

However, as explained above, the SFO takes steps to meet this by annually publishing these figures in the ARA, and the information requested for the financial year 2023-2024 is currently being processed. In addition, the public interest in releasing this information in response to individual FOI requests is ultimately outweighed by the public interest in releasing it consistently and in full.

Question 2

Our standard probation period is 6 months.

Question 3

The SFO holds the information that you have requested; however this information is exempt from release pursuant to section 40 of the FOIA.

Section 40(2) states that personal data which is not the personal data of the requester (i.e. third-party personal data) should not be disclosed if this would contravene the data protection principles. This would constitute a breach of the first data protection principle outlined in the General Data Protection Regulation (GDPR), which states that “personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject”.

Upon internal review, the following was provided:

I uphold the decision not to disclose the data relating to the timescales of employment length, requested under Q3 (b)(i), as to do so could compromise our compliance obligations under the UK GDPR. I find this will increase the possibilities of identifying individuals, which data subjects (previous SFO staff) would reasonably expect us, the SFO, not to instigate with our actions.

However, I believe we can provide a response to Q3(a) and Q3(b)(ii) without the possibility of identifying individuals.

The number of new employees since 01/01/2022 was 251.

Please refer to the table below which details the reasons given for leaving by new employees who joined after 01/01/2022:

<i>Dismissal</i>	<i>3</i>
<i>Fixed Term Contract – End</i>	<i>4</i>
<i>Loan Secondment – End</i>	<i>2</i>
<i>Resignation</i>	<i>22</i>
<i>Transfer Out – Other Government Department</i>	<i>12</i>

How the exemption is engaged

We maintain that releasing information about individual members of staff to the world at large could not reasonably be interpreted as “fair” processing because the Data Subject would have a reasonable expectation that their personal data would not be disclosed in this way.

Section 40(2) of the FOIA is an absolute exemption and we are therefore not required to consider the public interest in releasing the information requested. However, some information responsive to this request may be found in our Annual Report and Accounts here: <https://www.sfo.gov.uk/publications/corporate-information/annual-reports-accounts/>.