

Reference: 2024-049

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

Electronic copies of all documents in relation to the following cases:

- **1st case of SFO and Cooperative Wholesale Society Vs [redacted] (2002)**
- **2nd case of SFO and Cooperative Wholesale Society Vs [redacted] (2003)**
- **3rd case of SFO and Cooperative Wholesale Society Vs [redacted] (2003)**

I am also interested in the witness statements of [redacted] and [redacted] in relation to investigations in those cases.

Response

The SFO holds some information responsive to this request. However, this 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 case documents and witness statements could therefore compromise our ability to protect SFO investigative material and information systems and consequently limit our ability to investigate and prosecute fraud, bribery, and corruption, thereby prejudicing the interests at (a), (b), and (c) above.

Public interest test

Sections 31(a), (b), and (c) are qualified exemptions and require 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, having considered the public interest in releasing this information, we consider that the stronger interest lies in maintaining these exemptions of the FOIA. It is essential that the SFO safeguard against the risk that information regarding our case documents could pose if revealed to the general public, thereby compromising the confidentiality of the SFO at pre-investigation, investigation, prosecution stages and beyond by releasing sensitive information. Given the highly sensitive nature of the information requested and the risks which releasing sensitive case documents pose, we deem the duty to safeguard against this risk as superseding the public interest.

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