

Reference: 2024-047

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

1. Nature of the Relationship: A detailed description of the working relationship between the Serious Fraud Office and Eversheds Sutherland. This should include the scope of services provided by Eversheds Sutherland and the duration of the engagement.

2. Financial Arrangements: An explanation of the reasons for the ongoing payments of approximately £1 million GBP each month to Eversheds Sutherland. I would appreciate a comprehensive breakdown of these payments, including but not limited to:

- The services rendered for this fee.
- Any relevant contracts or agreements that govern this financial arrangement.
- A summary of the budgeting process that justified this expenditure.

3. Conflict of Interest Management: Information on how the SFO manages potential conflicts of interest or overlaps in responsibilities between its staff and the staff of Eversheds Sutherland. This should include:

- Policies or protocols in place to address conflicts of interest.
- Any reported instances of conflicts and how they were resolved.

4. Oversight and Accountability: Details regarding the measures taken to ensure accountability in the relationship, including any oversight mechanisms that are in place to review the performance and effectiveness of Eversheds Sutherland's services.

5. Press Restrictions: An outline of the mechanisms in place for restricting press reporting on SFO matters. This should include information on:

- Any legal provisions, such as reporting restrictions or court orders, that limit the dissemination of information related to ongoing investigations.
- The rationale behind such restrictions and how they are communicated to the media and the public.

Response

Please see below our response to your questions in the order asked. For information on SFO contracts, please search on Contracts Finder: [Contracts Finder - GOV.UK \(www.gov.uk\)](https://www.gov.uk/contracts-finder).

You may find information regarding the government's contract summary with Eversheds Sutherland (International) LLP here: [Eversheds Sutherland \(International\) LLP - Contracts Finder](https://www.gov.uk/contracts-finder)

Question 1, 2, 3a) & 4

The information you have requested are engages section 30(2)(a)(iv) and section 43(2) of the FOIA.

Section 30(2)(a)(iv) of the FOIA deals with prejudice to law enforcement functions and provides that: *Information held by a public authority is exempt information if it was obtained or recorded by the authority for the purposes of its functions relating to civil proceedings which are brought by or on behalf of the authority and arise out of such investigations.*

How the exemption is engaged

The information you have requested was obtained for the purposes of civil proceedings which arose out of our investigation into Eurasian Natural Resources Corporation. As such, this information is exempt from release under section 30(2).

Section 43(2) of the FOIA deals with commercial interests and provides that:

Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

How the exemption is engaged

The information requested could detriment to the SFO's commercial interests if released by weakening its negotiating position with future service providers. It could also detriment the commercial interests of the service provider when engaging future clients. As such, this information is exempt from release under section 43(2) of the FOIA.

Public interest test

Sections 30(2) & 43 of FOIA are qualified exemption. As such, it requires consideration of whether the public interest in exempting the information outweighs the public interest in disclosing whether the public authority holds the information. More information about exemptions in general and the public interest test is available on the ICO's website at www.ico.org.uk.

We understand the importance of publicising information about the SFO's use of public resources and funding. However, we do not believe that the release of the information which you have requested would add significantly to these factors and therefore feel there is minimal public interest in releasing this material. Further, as outlined above, the SFO is compliant with the reporting requirements across government, which requires the publication of data surrounding procurement processes on the Contracts Finder website (<https://www.contractsfinder.service.gov.uk/Search/Results>).

I am content that the public interest test strongly favours nondisclosure of the information you have requested for the reasons outlined in the application of the exemption. In unduly releasing information of the services received and contract specific details between the SFO and Eversheds Sutherland in relation to civil proceedings after our criminal investigation, we harm our reputation as an investigative body, a prosecutor, and as a service user which could harm future negotiations and procurement exercises.

I have therefore concluded that the balance of the public interest is in favour of not disclosing the information requested as the commercial interests weigh in favour of not sharing this detail externally.

Questions 3b) & 5)

The SFO does not hold responsive information in the format you have requested.

This is because the SFO does not have any general restrictions on reporting however, general restrictions may be applied once we have made a charging decision. Where restrictions have been applied on specific cases, further information will be available from the courts.

On press restrictions, there are no general restrictions. Once we have made a charging decision in a case there may be general restrictions that apply. If restrictions on specific cases apply, this information will be available from the court.