

## Reference: 2024-070

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

**This request is to ascertain information relating to the SFO's investigation into Rio Tinto which was declared closed in August 2023.**

**I request the following information:**

- 1. How many hours have been logged on the SFO investigation, broken down by year?**
- 2. What are the costs to the SFO across each year of the investigation, broken down by year? Please break the costs down, as you have for instance in [this release](#) for the case you brought against British American Tobacco.**
- 3. How many Section 2 Interviews were undertaken in the SFO investigation into Rio Tinto?**

## Response

### **Questions 1, 2 & 3**

I can confirm that the SFO does hold this information. However, the information you have requested is exempt from release under section 31(1) of the FOIA, which 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 such as the cost of cases risks creating an increasingly detailed picture of how the SFO decides to deploy its resources within and between cases.

### The 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 similar information 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.

Additionally, while the SFO closed the investigation into Rio Tinto in 2023, the Australian Federal Police (AFP) maintains a live investigation into this matter and we continue to support their ongoing case, as we have indicated on our case page: [Rio Tinto group - Serious Fraud Office](#). Given this context, we do not find it is in the public interest to disclose information about costs, hours, or Section 2 interviews in relation to this case specifically.

Therefore, we find the balance of public interest factors favours exemption in this case.