

Reference: 2025-065

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

The total separate SFO costs as at 1 June, 2025 of each of the Dechert/Gerrard and Gibson/Puddick ENRC civil actions together with a breakdown of those total costs for each separate action to show for each action the totals:

- a) paid to outside law firms;
- b) paid to counsel;
- c) paid to the Government Legal Department;
- d) any VAT adjustments;
- e) any payments to or on behalf of "any law firms or counsel selected or instructed by third parties which the SFO agreed to fund" as referred to in the response of 14 May;
- f) the identity of those "third parties";
- g) the grand total of SFO costs to 1 June 2025 for each separate action including those payments to "third parties which the SFO agreed to fund" in addition to the SFO's own costs.

Response

In this letter we provide the total SFO costs as requested for each of the two civil cases, which we note from your list (a) to (f) to be a request which extends beyond a request for information on SFO litigation costs but does not include a request for payments made to ENRC (including payments made via ENRC's solicitors) pursuant to court orders.

As explained in our letter of 14 May, information on SFO payments to ENRC pursuant to court orders (damages, costs, interest) is reasonably accessible otherwise than by an application to the SFO under section 1 of FOIA; so, whilst the SFO confirms that it holds such information, it is exempt from the FOIA disclosure requirement because the court orders may be obtained as publicly available documents upon request to the court (see section 21 of FOIA and rule 5.4C(1)(b) of the Civil Procedure Rules). This is an absolute exemption requiring no consideration of any public interest test.

Given your overarching request for total SFO costs – which in context we take to be a request for the SFO's expenditure on the two cases (other than payments to ENRC) – you should be aware there has been expenditure beyond the various categories listed in your (a) to (e), such as payments for an e-disclosure review platform, experts, witness expenses, court fees, transcribers at court hearings, among others.

Please also note that we do not hold separate information on payments to counsel (your category (b)) because payments to counsel are generally included as disbursements in invoices from external law firms and GLD (as the case may be). Therefore, save for one limited exception, sums paid to counsel are included within your categories (a) "[payments] to outside law firms" and (c) "[payments] to GLD". The exception is that where a barrister has on occasion been engaged by the SFO without the involvement of a law firm, and the barrister has invoiced

the SFO direct, that information is held by the SFO. The total for that exception is relatively small, so the figures we provide for your category (b) for the two civil cases do not in any way reflect the total expenditure on counsel. Further, you make requests for counsel fees in your category (b) and your category (e), so there is an overlap in your requests. Where we hold information on payments to counsel, for the reason just given, and such payments fall within category (e), those payments are not included within category (b) (which we take to be a request limited to counsel instructed by the SFO).

Subject to those important caveats on payments to counsel, we hold information on the total costs and we also hold information which falls within your categories (a) to (f), but we also hold other information on expenditure for the two ENRC civil cases. We provide the information on expenditure below in two tables, one for each case.

Regarding your category (f), this is a request for various individuals' personal data within the scope of section 40(2) of FOIA. This information is exempt from the FOIA requirement to provide information held by the SFO (like section 21, it is an absolute exemption) because both paragraphs (a) and (b) of section 40(2) apply. With regard to section 40(2)(b), if the SFO were to provide the requested personal data to you, the SFO would be in breach of one or more of the data protection principles within Article 5 of the UK GDPR (see FOIA, section 40(3A)(a)). Those third parties, as individuals with a connection to one or both of the ENRC civil cases, and who took up an offer of SFO-funded confidential legal advice, have a reasonable expectation that their identities will not be disclosed to the world at large. We have considered in relation to complying with your request, in addition to the reasonable expectations of the individuals, the potential harm or distress disclosure may cause. We assess that the SFO does not have an appropriate lawful basis on which it can rely to comply with your request (f). Compliance with your request (f) would be in breach of Article 5 of UK GDPR and unlawful. It would in our view not be legitimate, necessary or fair (especially given reasonable expectations as to confidentiality) and would place the SFO in breach of the data protection principles.

You will note that the tables below follow your list of requests (a) to (g), but with an important change. Given that we are not complying with your request (f) to provide you (and the world at large) with personal data (section 40, FOIA), we instead use category (f) to provide the information we hold on expenditure which would otherwise not be captured by your categories (a) to (e). We refer to this as "other" expenditure. The categories we use are therefore as follows, matching your own requests as closely as possible:

- Category (a) – payments to law firms (other than category (c) or category (e)).
- Category (b) – payments to counsel (instructed by the SFO) to the very limited extent not included within category (a) or (c).
- Category (c) -- payments to GLD
- Category (d) – VAT adjustments
- Category (e) – payments to SFO-funded law firms / counsel where selected or instructed by third parties (i.e., such law firms / counsel were not instructed by the SFO)
- Category (f) – other payments
- Category (g) – totals

| Total Costs of ENRC v SFO, Dechert and Gerrard from 2019 to 31/05/ 2025 | | | | | | | | | |
|---|----------------|------------------|------------------|----------------|------------------|------------------|----------------|--------------------------|--|
| Spend Category | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | Grand Total (Category G) | |
| Category A | 191,856 | 3,185,717 | 2,602,553 | 405,443 | 1,152,006 | 1,092,474 | 147,143 | 8,777,193 | |
| Category B | | 3,458 | | | | | | 3,458 | |
| Category C | 6,194 | 3,148 | 12,072 | | | 607 | | 22,021 | |
| Category D | 10,670 | 623,684 | 522,594 | 2,833 | 1,440 | 3,051 | | 1,164,272 | |
| Category E | 8,690 | 114,212 | 18,475 | 43,295 | | | | 184,672 | |
| Other (New Category F) | | 278,249 | 91,329 | | 7,200 | 26,813 | | 403,590 | |
| Grand Total (Category G) | 217,411 | 4,208,468 | 3,247,023 | 451,571 | 1,160,646 | 1,122,944 | 147,143 | 10,555,206 | |

| Total Case Costs of ENRC v SFO, Gibson and Puddick from 2021 to 2024 | | | | | | |
|--|---------------|------------------|------------------|------------------|--------------------------|--|
| Spend Category | 2021 | 2022 | 2023 | 2024 | Grand Total (Category G) | |
| Category A | 6,413 | 1,060,436 | 3,318,172 | 3,685,467 | 8,070,488 | |
| Category C | 30,278 | 25,607 | 81,812 | | 137,698 | |
| Category D | 6,056 | 1,727 | 27,338 | 122,530 | 157,651 | |
| Category E | | | 19,759 | 2,615,815 | 2,635,574 | |
| Other (New Category F) | 2,432 | 26,237 | 223,338 | 146,141 | 398,148 | |
| Grand Total (Category G) | 45,178 | 1,114,008 | 3,670,420 | 6,569,953 | 11,399,559 | |