

Reference: 2025-081

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

I am writing to request further information on the disclosure tools used by the SFO. Please provide the following information:

You wrote in a recent letter to defendants in cases where disclosure tool use is being reviewed that "it transpired that in two unrelated SFO cases the case teams were unaware of the need to account for the punctuation feature" in Autonomy.

- 1. When did you learn that these two unrelated case teams were unaware of the feature? When were defendants informed?**
- 2. Did either of these cases go to trial? If so, what was the outcome?**
- 3. How were the search terms and potential issues explained to defendants in the disclosure management documents in relevant cases?**
- 4. In how many cases have additional documents been disclosed to defence teams as part of the SFO's disclosure review?**
- 5. How many additional search results have been found?**

In previous FOI correspondence, you noted that search terms have been re-run as part of the review on four cases.

- 6. How many of those four cases resulted in custodial sentences?**
- 7. Are any external parties deciding the soundness of the convictions?**
- 8. Are any external parties determining whether relevant material was not disclosed?**
- 9. Has the SFO obtained the advice of any external counsel on this approach?**

Response

Question 1

The SFO became aware that the issue was not limited to one case in October 2022. The defendants in both cases were notified during those prosecutions.

Question 2

One of the cases went to trial. It resulted in one defendant being found guilty.

Question 3

The issue was explained to the defendants but not through Disclosure Management Documents.

Question 4

Zero.

Question 5

Across the four cases in which search terms have been re-run, a total of 23,648 additional items were identified using the amended search terms. After tailored approaches to reviewing

this material were carried out on the four cases, no material which might cast doubt on the safety of any convictions was identified.

Question 6

Four.

Questions 7 & 8

No. Determining whether material might cast doubt on the safety of a conviction is the responsibility of the prosecutor and it is not permissible for the SFO to use external parties to make decisions on its behalf. If, following the SFO's review, an affected defendant disagrees with the outcome (which will be communicated to them) then they may have recourse to the Criminal Cases Review Commission.

Question 9

We have understood this question to be a request to know whether advice from external counsel was sought on the application of the post-conviction disclosure test. On some cases, where the prosecutor felt it necessary in order to properly discharge their post-conviction disclosure responsibilities, they did obtain advice about the approach and conclusions being adopted in that case.