Reference: 2025-080

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, under the Freedom of Information Act 2000, any recorded information held by the Serious Fraud Office regarding the matter of [redacted], as referenced in a [redacted] Medical Examiner's Report and Death Certificate.

This request forms part of a serious research and investigative publication project concerning potential vulnerabilities in cross-border cybercrime coordination and law enforcement procedures between UK and U.S. agencies. The scope of the request includes, but is not limited to:

1. **Any documents, reports, or correspondence referring to [redacted] or case [redacted], especially in the context of cyber-related financial fraud or serious organized crime.**
2. **Any cooperation or communication between the SFO and U.S. federal agencies (e.g., FBI, DOJ) or the Metropolitan Police Service (MPS), particularly in the years 1998–2000.**
3. **Any internal discussions or records concerning U.S. citizens under investigation, temporary detention, or considered part of transnational fraud networks.**

Response

Please see below our response to your questions in the order asked.

Question 1, 2, and 3

The SFO neither confirms nor denies whether it holds information falling within the description specified in your request. The duty in Section 1(1)(a) of the FOIA does not apply, by virtue of sections 27(4) and 30(3). Nothing in my reply should be taken as an indication that the information you requested is or is not held by the SFO.

Section 27(4) provides that:
The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a)—
(a) would, or would be likely to, prejudice any of the matters mentioned in subsection (1), or
(b) would involve the disclosure of any information (whether or not already recorded) which is confidential information obtained from a State other than the United Kingdom or from an international organisation or international court.

Section 27(1) provides that:
Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice—
(a) relations between the United Kingdom and any other State,
(b) relations between the United Kingdom and any international organisation or international court,

(c) the interests of the United Kingdom abroad, or
(d) the promotion or protection by the United Kingdom of its interests abroad.

How the exemption is engaged
Section 27(4) allows the respondent authority to neither confirm nor deny whether any information is held where it is obtained from a foreign state. This is because of the prejudice or likely prejudice caused to relations with the foreign state or international organisation by making public information which may impact their investigation and prosecution processes.

Public interest test
Section 27(4) is qualified exemption and therefore requires consideration of the public interest test. The SFO has balanced the public interest in maintaining strong co-operative international links and preventing prejudice to our law enforcement functions against factors which favour disclosure. For example, the SFO recognises the public interest in transparency and accountability in relation to the SFO's cases. However, we comply with our transparency obligations through the publication of our Annual Reports and Accounts, and other corporate information is available through our Publication Scheme. We publish case related material when it is appropriate to do so on our website here: Find an SFO case - GOV.UK.

We consider that the stronger public interest lies in maintaining the exemption at section 27(4) of the FOIA. To confirm or deny whether the information you have requested is held (if held) would be likely to prejudice the effectiveness of the UK's relationships with international prosecution and law enforcement agencies. Given the potential risk and damage to existing relationship with the US prosecuting authorities, the public interest in not disclosing the requested information in this case outweighs the public interest in disclosing it at this stage.

Section 30(3) provides that:
The duty to confirm or deny does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1) or (2).

Section 30(1) provides that:
(1) Information held by a public authority is exempt information if it has at any time been held by the authority for the purposes of—
(a) any investigation which the public authority has a duty to conduct with a view to it being ascertained—
(i) whether a person should be charged with an offence, or
(ii) whether a person charged with an offence is guilty of it,
(b) any investigation which is conducted by the authority and in the circumstances may lead to a decision by the authority to institute criminal proceedings which the authority has power to conduct,
or (c) any criminal proceedings which the authority has power to conduct.

How the exemptions are engaged
Section 30(1) exempts any information held by a public authority if it has at any time been held by the authority for the purposes of (b) any investigation which is conducted by the authority, and in the circumstances may lead to a decision by the authority to institute criminal proceedings which the authority has power to conduct.

Section 30(3) allows the respondent to “neither confirm nor deny” whether any information is held in relation to the question where the requested information, if held, is described by section 30(1).

It is clear that your questions relate to information that you believe may be held by the SFO for the purposes of criminal investigations, as set out in section 30(1)(b), meaning the SFO must neither confirm nor deny whether the information is held in accordance with S30 of the FOIA (2000).

Public interest test

Section 30(3) is a qualified exemption and requires consideration of whether, in all the circumstances of the case, the public interest in maintaining the exclusion of the duty to confirm or deny 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.

It is recognised that there is a general public interest in publicising the work of 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. The SFO takes steps to meet this interest by publishing casework information on its website where appropriate.

However, it is also recognised that it is in the public interest to safeguard the investigative process and that investigating bodies should be afforded the space to determine the course of any investigation. On some occasions, releasing information about what is held or not held by law enforcement bodies would be detrimental to that process. To confirm or deny whether the information you have requested is held (if held) would, for reasons outlined earlier, be likely to prejudice the SFO’s conduct of any criminal investigation/ability to tackle and prevent serious crime. This would not be in the public interest as the right of access to information should not undermine the investigation and prosecution of criminal matters.

Having considered the opposing arguments, it is clear that the benefits of confirming whether or not the information is held are outweighed by the disbenefits and thus the public interest favours maintaining the exclusion of the duty to confirm or deny whether information is held.