

Reference: 2026-021

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

- 1. Any current policies, guidance or internal procedures governing how SFO staff assess material received to determine whether it discloses potential criminal conduct.**
- 2. Are the staff who make initial examination qualified to recognise any criminal elements contained in submitted material. What minimum qualifications would these staff have. Information on whether SFO staff or officers are authorised to make preliminary assessments as to whether submitted material indicates criminal offences, and the scope and limits such assessments.**
- 3. Policies or procedures describing what actions are taken where material received indicates potential criminal conduct but is assessed as being outside the SFO's investigative remit, including. Referral to other law enforcement or prosecuting authorities. Information sharing arrangements.**
- 4. What contact do you have with referral agencies once you have sent material, you have deemed to be within their remit. Do you monitor independently material sent to referral agencies, for how material is progressed.**
- 5. Any guidance on the role of the public interest test in decisions relating to Referral of material to other authorities. Attempts to incorrectly have someone committed to prison. Decision not to investigate.**
- 6. How do you consider public interest when evidence demonstrates that a Footsie 250, company has knowingly submitted to the High Court statements it knew to be incorrect.**
- 7. Information identifying internal or external oversight bodies responsible for reviewing or supervising SFO decisions concerning the handling, Referral non-actioning of such material.**

Response

Please see below our response to your request.

Questions 1, 3 and 4

We confirm that the SFO holds the requested information. However, this information is exempt from disclosure under section 31(1) of the FOIA.

Section 31(1)(a), (b), and (c) 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

As a law enforcement agency, the SFO holds sensitive operational information that would be of significant interest to those it investigates and to others who seek to avoid scrutiny.

Disclosing detailed information about how the SFO assesses incoming material, handles referrals, and manages information sharing arrangements would risk revealing the limits of our operational methods and capabilities. This could be exploited to circumvent our processes, thereby prejudicing the interests at (a), (b) and (c) above.

Public interest test

Sections 31(a), (b), and (c) are qualified exemptions and require consideration of whether, in all the circumstances of the case, the public interest in exempting this data outweighs the public interest in disclosing it. 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 information about 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.

However, having considered the public interest in releasing this information, we consider that the stronger interest lies in maintaining these exemptions of the FOIA. Primarily, the risk that this information could pose to the SFO's investigative functions against which it is essential to safeguard given the highly sensitive nature of the information held as a law enforcement agency. Releasing specific details about our assessment and referral procedures risk compromising the SFO's investigative capacity at pre-investigation, investigation, prosecution stages and beyond.

Having considered the opposing arguments, I believe that the stronger public interest lies in exempting the information from release.

Question 2

The SFO Intelligence Division is staffed by suitably qualified investigators, intelligence officers, analysts and lawyers. The Division operates in accordance with the Roskill model. All allegations received, including those from whistleblowers, are assessed both against a reasonable suspicion criterion and as to whether the case meets the Director Statement of Principle (DSOP).

Question 5 & 6

When assessing whether to open a formal investigation, the SFO Intelligence Division staff apply the criteria set out in the Criminal Justice Act 1987 and the DSOP. This includes consideration of whether a case meets the threshold for investigation by the SFO and whether it is in the public interest to pursue it.

Question 7

The SFO is a non-ministerial government department that is superintended by the Attorney General's Office.