

Reference: 2026-050

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

For the period 1 June 2025 to 1 June 2026, please provide:

Meeting minutes, agendas, briefing notes, or records of meetings attended by the Head of Policy and Strategic Relations and the Heads of Fraud divisions, relating to art investment schemes.

Response

Confirming or denying whether the requested information exists could be detrimental to the conduct of criminal investigations. It is important to note that individual pieces of information can, when combined with other available material, reveal highly sensitive details beyond what any single piece would suggest in isolation. This could allow inferences to be drawn about the SFO's operational priorities, investigative focus, or the status of any ongoing or prospective proceedings.

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

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 exemption is 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).

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, we have concluded that the public interest in maintaining the exclusion of the duty to confirm or deny whether the information is held outweighs the public interest in disclosure.