Reference: 2026-055

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

1. **The number of referrals or reports received by the SFO between 1 January 2015 and the date of this request relating to [redacted] its Appointed Representatives, or its partner firms.**
2. **Whether the SFO has received any referral from the FCA concerning [redacted] between 1 January 2020 and the date of this request.**
3. **Whether [redacted] has made any self-report to the SFO under the SFO's published guidance on corporate self-reporting between 1 January 2022 and the date of this request.**
4. **The number of investigations commenced by the SFO between 1 January 2018 and the date of this request concerning pension mis-selling or unsuitable annuity advice by wealth management firms.**
5. **Whether the SFO has considered or is considering any investigation under the Failure to Prevent Fraud offence introduced by the Economic Crime and Corporate Transparency Act 2023 in relation to any wealth management firm's treatment of vulnerable customers.**
6. **The SFO's published guidance on what constitutes 'fraud' for the purposes of the Failure to Prevent Fraud offence in the context of financial services firms charging for services not delivered.**
7. **Whether withholding material health information from an annuity provider — resulting in a reduced lifetime income for a vulnerable disabled customer — could constitute fraud under the Fraud Act 2006 and whether the SFO has received any referrals of this nature.**

<u>**Response**</u>
Please see below our response to your questions.

Questions 1, 2, 3, 4, 5, 7
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 30(3) of that Act. Nothing in my 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).

It is clear that your question relates 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

Sections 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.

Question 6
The SFO does not produce guidance defining the underlying criminal offences it investigates. The elements of each offence, including the base fraud offences relevant to the Failure to Prevent Fraud (FTPF) offence under section 199 of the Economic Crime and Corporate Transparency Act 2023 (ECCTA 2023), are defined in law, through statute and case law. The SFO assesses the facts of each case against those legal elements to reach its own determination.

The relevant base offences for FTPF are set out in Schedule 13 of ECCTA 2023. The Home Office has also published statutory guidance on the offence, which is available on GOV.UK. In any FTPF case, our approach is to assess the facts alongside that guidance to determine whether the criteria for the offence are met, including which, if any, of the base fraud offences have been committed.