

Reference: 2026-066

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

I request copies of the current version of those sections of the Serious Fraud Office's Operational Handbook (or any successor manual, policy, guidance or standard operating procedure) which govern the handling of material that is, or may be, subject to legal professional privilege ("LPP"), including material contained within electronic devices or other digital media obtained through the exercise of statutory powers.

In particular, I request the sections equivalent to those described in *R (McKenzie) v Director of the Serious Fraud Office* [2016] EWHC 102 (Admin), including (but not necessarily limited to):

- **the section headed "Policy for handling LPP material"; and**
- **the section headed "Digital Material", describing the procedure for identifying, isolating and reviewing potentially privileged material contained within electronic devices or digital media.**

If those sections have been amended since the proceedings in *McKenzie*, I request the current version. If they have been replaced by other guidance, policies or standard operating procedures, I request the current documents governing the same subject matter. If the requested material is held in more than one document, I am content to receive only those pages or extracts dealing with legal professional privilege and the handling of potentially privileged electronic material.

Response

We can confirm that the SFO holds information within the scope of your request. The relevant sections of the current Operational Handbook dealing with the two matters you specifically identified are set out below.

Policy for handling LPP material

11.1 When the SFO requires the production of material, or seizes material pursuant to its statutory powers, all material which is potentially protected by LPP must be treated with great care to:

- minimise the risk that LPP material is seen or seized by an SFO investigator or a lawyer involved in the investigation;
- ensure that any LPP material which is seized is properly isolated and promptly returned to the owner without being seen by an SFO investigator or a lawyer involved in the investigation;
- ensure that any dispute relating to LPP is resolved in advance of the material being seen by an SFO investigator or a lawyer involved in the investigation; and
- ensure that where an investigator or a lawyer involved in an investigation inadvertently sees LPP material, measures are in place to ensure that the investigation and any subsequent prosecution is not adversely affected as a result.

11.2 Care must always be taken to ensure that LPP material is not viewed by the SFO staff involved in the investigation.

11.3 It is essential that anyone dealing with LPP material maintains proper records showing the way in which the material has been handled and those who have had access to it as well as decisions taken in relation to that material. This is to protect the case, case teams and the SFO.

Digital material

12.7 Where there are reasonable grounds to believe digital material contains LPP material, it should be processed as an LPP bag and loaded onto the Digital Review System ("DRS") but isolated from the case team's access.

12.8 The case controller should contact the LPP owner or their legal representatives requesting proposed search parameters to be applied to identify potential LPP embedded in the digital material. Agreed search parameters should be applied by a member of the DRS, who is independent of the case team. The results of the search parameters applied will be confined in a separate folder to which the case team and case controller do not have access. The material will then be reviewed by Independent Counsel.

12.9 Following this review, any material which is identified as LPP should be tagged as LPP and remain in LPP quarantine. Only the non-LPP material (hard copy and digital) will be made available to the case team. It is essential to record this process in writing.

12.10 This process is consistent with the Attorney General's Guidelines on Disclosure 2024, and case law.^[1]

[1] *R (McKenzie) v Director of the Serious Fraud Office* [2016] EWHC 102 (Admin) provided that "a seizing authority has a duty to devise and operate a system to isolate potential LPP material from bulk material lawfully in its possession, which can reasonably be expected to ensure that such material will not be read by members of the investigative team before it has been reviewed by an independent lawyer to establish whether privilege exists" at [34].