Dear Ms Taylor

Request for information under the Freedom of Information Act 2000 (FOIA)

I am writing further to your request of 18 June 2012 in which you asked:

*Please provide the policies and procedures the Tax Evasion Department/Investigations Team use to:*

1. Fully evaluate all information received by this office before being passed to an appropriate team

2. The criteria for assessment and action where considered necessary.

3. A copy of the Tax Evasion Department’s policy and procedure to deal with complaints.

4. An explanation why findings from the HMRC Tax evasion investigations Team cannot legally be disclosed to the CSA and a copy of the policy & procedure on this particular aspect.

It may be helpful to explain that HMRC does not have a business area with the title “Tax Evasion Department/Investigations Team”. Therefore, I have interpreted your request to mean the area of HMRC which receives information about alleged tax evasion.

**Questions 1 and 2**

I can confirm HMRC holds information that meets the description of your request but that information is being withheld under the Freedom of Information Act 2000. The exemption that applies is section 31(1)(d) of the Act.
Section 31(1) allows public authorities to withhold information if its disclosure would, or would be likely to, prejudice the assessment or collection of tax [s31(1)(d)].

I believe that disclosure would be likely to undermine the compliance programme that HMRC undertakes. If we put information about our assessment criteria, procedures and policies in the public domain it would allow those individuals looking to abuse our systems to arrange their affairs to make it less likely that they would be detected. For these reasons I conclude there is a real and probable risk to our ability to prevent and detect crime, and assess and collect tax and the exemption applies.

Section 31 is a qualified exemption which means that, if it applies, I must consider whether it is in the public interest to override the exemption and release the information. I have very carefully considered this but have decided that on balance it is not in the public interest to release this information. In coming to this conclusion I have considered a number of factors.

There is strong public interest in ensuring that HMRC is accountable for the way it protects public money and is as transparent as possible about the ways in which it seeks to do that. Publishing the information requested would, on the face of it, reassure the public that our compliance activities are fair and robust and applied equitably and effectively. This would increase the public’s confidence in the tax system. There is also a general public interest in them being aware of and being able to challenge our decisions; knowledge of our procedures would assist this. But I also take into account that HMRC is subject to review by external bodies such as the National Audit Office, the Adjudicator’s Office and Her Majesty’s Inspectorate of Constabulary. The public interest in our accountability is met by the oversight of those bodies.

There is also a strong public interest in HMRC being able to enforce the law properly so that everyone pays the correct amount of tax. Anything that might assist those intent on gaining an unfair and unjust advantage is not in the public interest. Tax avoidance and evasion distort the incentives that the tax system aims to deliver to compliant taxpayers and reduce the revenue available for delivering public services.

Anything that puts at risk our compliance activities could undermine public confidence in the tax system. This could damage the general climate of honesty among the overwhelming majority of taxpayers who use the system properly and that is not in the public interest.

So on balance I conclude it is not in the public interest to set aside the exemption.

**Question 3**

A single complaints procedure operates in HMRC. An overview of the process can be found on our internet page [www.hmrc.gov.uk](http://www.hmrc.gov.uk) under quick links **Complaints and appeals**. More detailed information is available in our **Complaint Handling Guidance**.

**Question 4**

Section 18 of the Commissioners for Revenue & Customs Act 2005 strictly limits the circumstances under which HMRC officials may disclose information which is held by HMRC in connection with a function of HMRC.

If you would like to read this legislation in full it is available at: [www.legislation.gov.uk/ukpga/20005/11/contents](http://www.legislation.gov.uk/ukpga/20005/11/contents)

Information on the circumstances under which HMRC may disclose information is published on our internet site in the **Information Disclosure Guidance**. Within the section titled “Procedure for disclosing to others (government)” you will find information relating to the Child Support Agency.
If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

If you are not happy with this reply you may request a review by writing to HMRC FOI Team, Room 1C/25, 100 Parliament Street London SWIA 2BQ or email xxx.xxxxxx@xxxx.xxx.xxx.xx You must request a review within 2 months of the date of this letter. It would assist our review if you set out which aspects of the reply concern you and why you are dissatisfied.

If you are not content with the outcome of an internal review, you may apply directly to the Information Commissioner for a decision. The Information Commissioner will not usually consider a case unless you have exhausted the internal review procedure provided by HMRC. He can be contacted at The Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Yours sincerely

Gina Tierney