



Attorney
General's
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Mark Taylor

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Via email request-401311-39d133b1@whatdotheyknow.com www.gov.uk/ago

Date 15th June 2017

Dear Mr Taylor,

REQUEST FOR REVIEW OF RESPONSE TO YOUR FOI REQUEST – FOI /62/17

Your emails of 17th, 18th and 19th May to the Attorney General's Office have been treated as a request for an internal review of the response you had received to your request dated 15th April under the Freedom of Information Act 2000. I have undertaken a review as requested. This letter is to inform you of my conclusions.

On 15th April you made requests for information and, on 17th May, Craig Hollands responded to your request. Your requests, and the AGO response, were as follows:

1. Did the Attorney General terminate the investigation #9559, or was that the decision of the current head of the SFO? Does the Attorney General still believe that was the correct action?

AGO response: This is not a request for recorded information.

2. With the FCA having fined Deutsche Bank \$630 million for destroying materials to cover up money laundering liabilities does the Attorney General know if such materials included over-the-counter bullion receipts?

AGO response: We do not hold this information – you may wish to contact Financial Conduct Authority (FCA) as they may hold the information. Information about how to contact the FCA can be found at their website <https://www.fca.org.uk/contact>.

3. Did the Attorney General's office receive an application from HSBC to serve a restraining order against the claimant for B40BM021 to prevent the claimant suing HSBC and Deutsche Bank and others for silver price manipulation?

AGO response: We do not hold this information

4. Does the Attorney General's office have a copy of the restraining order for (3) in which the applicant is HSBC, the application date is 23 December 2014, yet the order is competed by Judge Simon Brown QC in July 2015 in which the judge claimed it arose out of his own volition.

AGO response: We do not hold this information

5. If the answer to (4) is yes, then does the Attorney General recognise that Simon Brown's statement in that form contradicts the fact that the application was submitted by HSBC before lawsuit B40BM021 has been assigned to the Birmingham Mercantile Courts.

AGO response: Not Applicable

6. If the answer to (4) is yes, then does the Attorney General recognise that the restraining order helped HSBC evade legal redress for silver price manipulation, for which it has been incriminated by Deutsche Bank as cartel manipulations: London Silver Fixing Ltd. Antitrust Litigation, 1:14-md-02573 U.S. District Court, Southern District of New York (Manhattan).

AGO response: Not Applicable

7. Does the Attorney General know why Judge Simon Brown QC retired ten years early, a retirement announced within a week that LCJ Baron Thomas was notified that Deutsche Bank had confessed to gold rigging, when Simon Brown QC had dismissed such allegations as 'totally without merit' and 'vexatious' in the July 2015 hearing for B40BM021.

AGO response: We do not hold this information.

8. In the July 2015 oral hearing B40BM021 under Simon Brown QC, Anshu Jain and Emma Slatter, Co-CEO of Deutsche Bank and General Counsel of Deutsche Bank respectively, refused to turn up for court, even though they were the applicants. Given that Deutsche Bank has now incriminated itself for all the matters alleged in B40BM021, does the Attorney General intend to prosecute either Jain or Slatter for fraud or perjury?

AGO response: This is not a request for recorded information. However, fraud and perjury are criminal offences and any such offences would most likely be prosecuted by the Crown Prosecution Service.

9. If (4) is true, which individual at HSBC submitted the application in HSBC's name to the office of the Attorney General?

AGO response: Not Applicable

10. Does the Attorney General believe in the integrity of the judiciary given Lord Charles Haddon-Cave and Lord Ian Burnett of the Court of Appeal, have both signed court orders dismissing allegations of gold and silver rigging against Deutsche Bank as 'totally without merit.' for appeal applications to B40BM021.

AGO response: This is not a request for recorded information

Your request for an internal review

At 10.04 am on 17th May, you sent an email to this office headed '*Internal review of Freedom of Information request*'. I have noted that you sent this email before this office had provided you with its response to your FOI request.

Subsequently, after you had received the response, you sent three further emails (one at 6:37pm on 17th May, one on 18th May and one on 19th May) each of which was headed as '*internal review of Freedom of Information request*.'

Your right to information under the Freedom of Information Act 2000

Where information is held by a Government department and is requested under the Freedom of Information Act, departments are obliged to consider whether there is an obligation to disclose that information. The outcome of that consideration is then subject to an internal review if the applicant is dissatisfied by the decisions that have been taken as to whether to disclose the information that is held.

However, where no information is held by the department which receives the request for information, there is no decision that has been taken which is capable of being reviewed.

Departments are not obliged to seek information from other government departments, and it would not be possible for practical reasons to search the information held by other departments. The Attorney General's Office is therefore only able to search to see what information it holds. Where there is no information held, there are no further steps which the department is required to take.

I have considered whether there were any fuller searches that might have been taken in responding to you, but it is clear to me that the recorded information you sought in questions 2, 3, 4, & 7 is not recorded information that is held by the Attorney General's Office. Therefore in relation to those questions, there is no decision that has been taken which is capable of being reviewed.

Further, it follows that I have concluded that the responses you received in answer to your questions 5, 6 and 8 (i.e. 'not applicable' for each) was correct as those questions would only fall to be considered if the AGO held the recorded information that you requested in your question 4.

The AGO responses to questions 1, 8 and 10

In respect of each of these questions, Mr Hollands responded by stating that they were not requests for recorded information. I have considered the terms of these specific requests and have concluded that Mr Hollands's response, namely that they do not amount to a request for recorded information, was correct.

In order to assist you however, it may be helpful if I explain that it is not the Attorney General's role to decide to prosecute criminal offences such as perjury or fraud as those are decisions for independent prosecutors to take.

Conclusion

The conclusion of this internal review is therefore to confirm entirely the response conveyed to you by Mr Hollands in his letter of 17th May 2017.

If you are not content with the outcome of the internal review, you have the right, under section 50 of the Act, to apply directly to the Information Commissioner for a decision. The Information Commissioner recommends that applications are made within two months of the public authority's determination in relation to the internal review (i.e. the date on this letter). The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF.

Yours sincerely,


Julia Crouch
Head of Public Law & Litigation Team

