



The Insolvency Service

The Insolvency Service
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Thomas Martin
request-653249-8bff8a41@whatdotheyknow.com

Your ref: request-653249-8bff8a41
Our ref: FOI2019-179(4)
Date: 07 April 2020

Dear Mr Martin

Re: Freedom of Information Act 2000

Thank you for your email of 08 March 2020 in which you requested from the Insolvency Service:

“Please provide me with all the internal policies related to company director disqualifications and decision making”.

Your request has been dealt with under the Freedom of Information Act 2000 (FOIA).

I can confirm the agency holds the information that you have requested. Please find enclosed with this response our Case Targeting policy and guidance. Please note that redactions have been applied to some paragraphs. Where indicated information is exempt from disclosure under the law enforcement exemption s31(1)(a)-(b),(g). Section 31(1) provides that information, which is not exempt information by virtue of Section 30, is exempt information if its disclosure under the Act would, or would be likely to prejudice

- (a) the prevention or detection of crime.
- (b) the apprehension or prosecution of offenders.
- (g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2):

Section 31(2) defines the purposes referred to in subsection (1)(g) to (i). This includes at subsection (2)(d): the purpose of ascertaining a person's fitness or competence in relation to the management of bodies corporate or in relation to any profession or other activity which he is, or seeks to become, authorised to carry on.

The disclosure of the information you are seeking would be likely to prejudice the exercise by the Secretary of State of his functions as defined above: specifically disclosure of these sections would render our investigation process ineffective because:

- The redacted text refers to guidelines which inform when as a matter of public policy the Insolvency Service might or would not report suspected criminal

activity. Disclosure would assist persons guilty of such activity to know when they were likely to avoid prosecution, and therefore to take steps to avoid prosecution. Further or alternatively, it would encourage them to continue acting contrary to the law with impunity, to the extent that their circumstances fell within the sections.

- Or Disclosure would assist persons guilty of criminal activity or misconduct to know when they were likely to avoid investigation and thereby avoid prosecution, director disqualification proceedings or bankruptcy restrictions proceedings. They could, therefore, take steps to avoid prosecution, director disqualification proceedings or bankruptcy restrictions proceedings. Further or alternatively, it would encourage them to continue their misconduct or in acting contrary to the law with impunity, to the extent that their circumstances fell within the circumstances described.

In applying these exemptions, the public interest in maintaining the exemption outweighs the public interest in disclosing the information because of the importance to the public that the investigative process should not be adversely affected and that disqualification orders are made where appropriate.

If you are not satisfied with the response we have provided you and would like us to reconsider our decision by way of an internal review (IR), please contact our Information Rights Team at foi@insolvency.gov.uk or by post at:

Information Rights Team
The Insolvency Service
3rd Floor
Cannon House
18 Priory Queensway
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B4 6FD
United Kingdom

You also have the right to contact the Information Commissioners Office (ICO) if you wish for them to investigate any complaint you may have in regards to our handling of your request. However, please note that the ICO is likely to expect an IR to have been completed in the first instance. The ICO contact details can be found on their website: <https://ico.org.uk/global/contact-us/>.

Kind regards

Laurie Judge
Information Rights Manager
The Insolvency Service

The Department for Business, Energy and Industrial Strategy, Official receivers and the Adjudicator are Data Controllers in respect of personal data processed by the Insolvency Service. For the details about how personal data is processed by the agency, please see the full Insolvency Service Personal Information Charter here: <https://www.gov.uk/government/organisations/insolvency-service/about/personal-information-charter>