

Dear Ms Watson

Thank you for your email of 11 April 2019, in which you requested information under the Freedom of Information Act 2000 (FOIA).

Your Request

Your request read:

"Specifically, I require disclosure of the paperwork submitted by Fraser Mackay which was relied upon at the Birmingham Crown Court trial which ran from 7/7/2007 to 22/2/2008 before Justice Langstaff and a Jury. In particular, I require sight of the following:-

- 1. The statements he gave to the SFO and others when he came to see you on 12/8/2002.*
- 2. Please provide evidence the SFO will rely upon as to why Fraser Mackay was permitted to turn queen's evidence without first complying with the requisite 'cleansing' under Section 24 of the CRIMINAL COURTS ACT 2005. Why was he granted total immunity from prosecution when the SFO had had the evidence that he was the protagonist who stole everyone's moneys?*
- 3. Disclosure of Fraser Mackay's secret commission account, held at Butterfield Bank in Guernsey, which Stephen Myers ex-Head of Case at SFO for over 5 years confirmed on 3/3/2014 "was a source of great embarrassment to the Bank".*
- 4. Details of who much money went in / out of Mackay's secret commission account.*
- 5. Details of Fraser Mackay's private funding company called FMFS FRASER MACKAY FUNDING SOLUTIONS.*
- 6. An explanation why the judge and SFO did not follow up on Fraser Mackay's undertaking before the Crown and Jury on the case of me and my husband when he said "THESE FUNDS WILL BE RETURNED" - after he had drawn down on the loan facility that only HE had access to in our names, and then evidently STOLE those funds and used them to bribe a US official."*

Outcome of Your Request

I can confirm that it is possible that we may hold some of the information you are requesting. However, it is impossible for us to determine this without incurring a disproportionate cost, and your request is therefore covered by section 12 of the FOIA. Under section 12 of the FOIA, a public authority does not have to comply with a request for information if complying with the request would exceed the appropriate cost limit, which has been set at £600. A flat rate of £25 per person, per hour, is given for determining whether information is held, finding and retrieving records and extracting the requested information.

This means the appropriate limit of £600 will be exceeded if more than 24 hours are required to complete the work, which I estimate would be the case in this instance. I have explained why this is the case in the paragraph below:

To answer your request fully, we would need to examine a total of 426 boxes of archived material to confirm whether or not the documentation you have requested is held by the Serious Fraud Office (SFO). I can confirm that we have already searched across the electronic material held for the case as well as identified and manually searched three boxes which we felt would be the most likely to hold the information requested. However, the material was not found. Each box took approximately twenty minutes to examine.

Following the same timings as above, to recall and search the additional 423 boxes it would take approximately 141 hours (17.5 working days), which clearly exceeds the cost limit set by the Information Commissioners Office (ICO). It would therefore not be in the public interest to undertake such an exercise.

Your previous contact with the SFO

The SFO's investigation into Dobb White & Co, namely Shinder Gangar and Alan White, ran for a number of years in the early 2000s and concluded in 2008 with the successful convictions of both suspects.

You have been in contact with the SFO since the early 2000s regarding this case. In particular, you have challenged the scope of our investigation and suggested that more suspects should be looked into. We spoke with you on more than one occasion explaining that the scope of the investigation would not change and the reasons why.

Moreover, Fraser Mackay was specifically discussed with you in telephone calls held in June and September of 2007. During these calls, it was explained to you that Fraser Mackay was not a suspect and did not fall within the scope of the SFO's investigation. You were further advised that no other suspects would be considered until the proceedings into Shinder Gangar and Alan White were concluded. You were also advised that consideration of other potential suspects would have to go through the SFO's vetting process to determine whether a case should be opened.

At the conclusion of proceedings in 2008 we wrote to you on more than one occasion explaining that further proceedings would not be brought and the reasons why. A copy of one of these letters sent to you on 10 June 2008 is attached for your information.

Since the case ended you have engaged extensively with this office insisting that the case be re-opened, including to specifically investigate Mr Mackay. You also made a previous FOI request in 2017 for the same information regarding Mr Mackay as is contained in your current request.

If you are not content with my reply, you may ask for a review. You must do this by writing to me within two months of the date of this email. It would help us with the review if you could tell us which aspects of my reply concern you and why you are dissatisfied. Please quote reference **FOI2019-059** in any future correspondence.

If you are not content with the outcome of an internal review, you may apply direct to the Information Commissioner for a decision. The Information Commissioner will not usually consider a case unless you have exhausted the internal review procedure. Her address is The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

I hope you find this information helpful.

Yours sincerely,

Information Officer

Serious Fraud Office