

Elm House 10-16 Elm Street London WC1X 0BJ
Director: Richard Alderman

Michael Eaton-Jones
request-60094-
254726b9@whatdotheyknow.com

2 February 2011

Dear Mr Eaton-Jones

Our Reference: 2011-8

Thank you for your request for information about Westminster City Council, Melvyn Caplan and other Councillors. Your request was received on 27 January 2011 and I am dealing with it under the terms of the Freedom of Information Act 2000 (FOIA).

The department neither confirms nor denies that it holds information falling within the description specified in your request. The duty in S1(1)(a) of the FOIA does not apply, by virtue of S31(1)(a) of that Act (Law Enforcement).

I enclose s31 of the FOI for your information.

To confirm whether this information is held would attract the prejudice where disclosure increases the possibility for suspected criminals to identify whether their actions are under investigation or not. If an individual could ascertain whether they were under investigation, it could render the public authority's investigation process ineffective as disclosure could result in an individual modifying his or her behaviour in ways that might frustrate any such investigation.

This should not be taken as an indication that the information you requested is or is not held by the SFO.

If you have any queries about this letter, please contact me. Please remember to quote reference number **2011-8** in any future communications

If you are not happy 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 letter. It would help us with the review if you could tell us which aspects of my reply concern you and why you are dissatisfied.

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. His address is The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.



SFO

serious
fraud
office

Elm House 10-16 Elm Street London WC1X 0BJ

Director: Richard Alderman

Yours sincerely

Tracy Gildersleeves

Tracy Gildersleeves

Freedom of Information Officer

Direct Tel: +44 (0)20 7239 7010

Direct Fax: +44 (0)20 7837 1173

Email: information.officer@sfo.gsi.gov.uk

Law enforcement. **31.** - (1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice-

- (a) the prevention or detection of crime,
 - (b) the apprehension or prosecution of offenders,
 - (c) the administration of justice,
 - (d) the assessment or collection of any tax or duty or of any imposition of a similar nature,
 - (e) the operation of the immigration controls,
 - (f) the maintenance of security and good order in prisons or in other institutions where persons are lawfully detained,
 - (g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2),
 - (h) any civil proceedings which are brought by or on behalf of a public authority and arise out of an investigation conducted, for any of the purposes specified in subsection (2), by or on behalf of the authority by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under an enactment, or
 - (i) any inquiry held under the Fatal Accidents and Sudden Deaths Inquiries (Scotland) Act 1976 to the extent that the inquiry arises out of an investigation conducted, for any of the purposes specified in subsection (2), by or on behalf of the authority by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under an enactment.
- (2) The purposes referred to in subsection (1)(g) to (i) are-
- (a) the purpose of ascertaining whether any person has failed to comply with the law,
 - (b) the purpose of ascertaining whether any person is responsible for any conduct which is improper,
 - (c) the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise,
 - (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,
 - (e) the purpose of ascertaining the cause of an accident,
 - (f) the purpose of protecting charities against misconduct or mismanagement (whether by trustees or other persons) in their administration,

Elm House 10-16 Elm Street London WC1X 0BJ

Director: Richard Alderman

(g) the purpose of protecting the property of charities from loss or misapplication,

(h) the purpose of recovering the property of charities,

(i) the purpose of securing the health, safety and welfare of persons at work, and

(j) the purpose of protecting persons other than persons at work against risk to health or safety arising out of or in connection with the actions of persons at work.

(3) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice any of the matters mentioned in subsection (1).

The Freedom of Information Act 2000 is reproduced under the terms of Crown Copyright Policy Guidance issued by HMSO.