

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

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

5 April 2011

Dear Mr Eaton-Jones

Our Reference: 2011-8

I have been asked to consider your request, dated 11 March 2011, for a review of the decision made in the above Freedom of Information Act (FOIA) request.

I note that you are dissatisfied with the response you received so I have looked again at your request and also at the Freedom of Information Act to ensure that correct interpretation of the act has been carried out.

Your original request was to *please confirm if Mr Richard Alderman has received documentation from Westminster City Council regarding complaints about Melvyn Caplan and other Councillors.*

I have carefully considered how providing you with any information relating to what the Serious Fraud Office could be investigating would impact on this organisation and the public interest.

It is my view that should the SFO give an indication that either confirmed or denied they were in receipt of information to build an investigation about Westminster City Council that this would prejudice the SFO's ability to carry out its duties. Therefore I maintain that for this request the response is that the SFO can neither confirm nor deny any such information and that this is exempt under S31 part (g) of the act.

I have highlighted below the parts of the act that apply in this case. I am sorry that we are unable to provide you with any assurance but I hope you can appreciate that it is not always possible for the interest of individuals, organisations and the public to be satisfied by providing details of such a sensitive nature.

Yours sincerely

Kay Squires
Freedom of Information Officer

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SFO

serious
fraud
office

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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,

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(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).

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