|  |  |  |
| --- | --- | --- |
|  MoJ_mono_H_crest  |  |  |
|  |  |  |
|  | **Our Reference:** FOI 109447 |   |  February 2017 |

**Freedom of Information Request**

You asked for the following information from the Ministry of Justice:

**1) Please provide the number of criminal convictions for Personation as defined in Section 60 of the Representation of the People Act 1983 each year since 1983.**

**2) Of those convictions, what number were related to voting in person?**

**Should any part of this request be undeliverable due to cost or practical considerations, please give top priority to the most recent data.**

Your request has been handled under the Freedom of Information Act (FOIA).

I can confirm that the department holds some of the information that you have asked for, however some of it is exempt from disclosure.

* Offenders found guilty of personation at all courts, in England and Wales, from 1984 to 2015 latest available can be viewed in attached table.

For reference, personation is how the Representation of the People Act 1983 describes the offence of in-person voter fraud.

I can confirm that the MoJ holds some of the information that you have requested. However, some of the information held is exempt from disclosure under section 21 of the FOIA, because it is reasonably accessible to you. Court proceedings statistics for 1983, which would include offenders found guilty of offences of personation in England and Wales, can be obtained at this link <http://tinyurl.com/gmf68ny>

With regard to the second question, the information is exempt from disclosure under section 32 of the FOIA because it is held in a court record.

Under section 32(1) (c) information is exempt if it is a document created by a court for the purposes of proceedings in a particular cause or matter.

The reason for section 32 is not to do with the issue of whether information is a public record or not, it is to preserve the courts control over court records. Even if a document may have been made public at the hearing it ceases to be a public record after the hearing and then becomes protected by virtue of section 32. It was not the intention that the FOIA should provide indirect access to court records; the greater public interest was considered to lie in the preservation of the courts' own procedures for considering disclosure.

Section 32 is an absolute exemption and there is no duty to consider the public interest in disclosure.

You may wish to contact the courts directly to apply for access to court documents under the Criminal Procedure Rules. These are separate and specific regimes for access to information held by courts, designed to give those bodies themselves a measure of control over that information. Rules of court already provide a comprehensive code governing the disclosure of court records and documents served in the course of proceedings. Please note that you will be required to pay a fee as advised by the court.