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| Ministry of Justice | August 2017 |

**Freedom of Information Act (FOIA) Request –** 113426

You asked for the following information from the Ministry of Justice (MoJ):

**If possible could you please provide information on the number of prison sentences handed down in each year 2015 and 2016 for breach of:**

1. **criminal behaviour orders**
2. **dispersal powers**
3. **civil injunctions**

**(as provided for in the Antisocial Behaviour, Crime and Policing Act 2014)**

Your request has been handled under the FOIA.

I can confirm that the MoJ holds the information that you have requested and I have provided some of it, relating to breach of criminal behaviour orders and for failure to comply with S35 exclusion directions, which is how the legislation views breach of dispersal powers offences, in the attached annex. The overall sentencing data is also provided to put the number of custodial sentences into context.

Offenders sentenced for breach of a civil injunction are recorded as being found guilty and sentenced for contempt of court, and, as the court proceedings database records only the contempt of court, the specific circumstances behind offences of contempt of court, such as breach of a civil injunction, 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 member of the administrative staff of 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.