|  |  |  |
| --- | --- | --- |
|  MoJ_mono_H_crest |  |  |
|  |  |  |
|  | **Our Reference:** 656-16 FOI 108890 |   | December 2016 |

**Freedom of Information Request**

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

***Please provide the number of prosecutions made this year and the last, specifically on:-***

1. ***Misconduct in Public Office;***
2. ***Terrorism Act, and***
3. ***Modern Slavery Act 2015?***

Your request has been handled under the Freedom of Information Act 2000 (FOIA).

I can confirm that the department holds some of the information that you have asked for but in this case we will not be providing it to you as it is exempt from disclosure as it is in the public domain.

**Questions 1 and 3**

The number of defendants proceeded against at magistrates' courts and found guilty and sentenced at all courts in England and Wales from 2005 to 2015 are published as part of the annual publication and can be viewed at the following link:-

<https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2015>

To compile the data, scroll down and click on the “Outcomes by offence tables”. From the pivot table within this, the relevant offences can be selected as detailed below.

* Select offence code 99.1 – Misconduct in Public Office
* Select offence code 106 – Modern Slavery

We are not obliged to provide information if this is reasonably accessible to you by other means (section 21 of the Act). The terms of this exemption in the Freedom of Information Act mean that we do not have to consider whether or not it would be in the public interest for you to have the information.

You can find out more about Section 21 by reading the extract from the Act and some guidance points we consider when applying this exemption, attached at the end of this letter.

You can also find more information by reading the full text of the Act, available at <http://www.legislation.gov.uk/ukpga/2000/36/section/21> and further guidance <http://www.justice.gov.uk/information-access-rights/foi-guidance-for-practitioners/exemptions-guidance>

**Question 2**

I can confirm that the Department does not hold the information you requested concerning the data on terrorist findings of guilt and sentencing in the format requested.

To establish whether the information was held I conducted a thorough search, and made enquires with the following area:

* Justice Statistics Analytical Services

If the information was held by MoJ it would have to be held by the above mentioned business area. It may help if I clarify that the information being requested is not held by MoJ because there is no legal or business requirement for MoJ to do so.

I have previously consulted with colleagues at the Office for Security and Counter Terrorism at the Home Office. Official statistics for court proceedings in this area are published by the Home Office from data held by the Crown Prosecution Service (CPS).

You may wish to contact CPS for this data, and they can be contacted for FoI purposes via the below link:

<http://www.cps.gov.uk/foi/>

Because different departments may not work on the same data-source, if MoJ were to produce the information requested the results produced might contradict those in the official publication. This would fall outside the consistency requirements of National Statistics Protocols.