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|  | **Our Reference:** 611-16 FOI 108450 |   | November 2016 |

**Freedom of Information Request**

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

**Please could you provide the number of prosecutions, and the number of convictions under s 33 of the Criminal Justice and Courts Act 2015 since 13 April 2015? If possible, please could you also provide the number of offenders of each gender for each category; and the numbers aged under 18 and 18 or over in each category?**

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

I can confirm that the department holds the information that you have asked for. However, some of the information that is held is exempt under section 21 of the FOI Act because it is reasonably accessible to you, and I am pleased to inform you that you can access it via the following links.

The number of defendants proceeded against at magistrates’ courts and found guilty and sentenced at all courts, in England and Wales, in 2015, can be found in the Criminal Justice Statistics Outcomes by Offence data tool in the latest annual Criminal Justice Statistics publication. From the offences drop down box, select '8.19 Disclose private sexual photographs and films with intent to cause distress’ which is included in the ‘violence against the person’ offences. Gender and adult/juvenile distinctions are available from the relevant drop-down boxes too.

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

Section 21 of the Freedom of Information Act exempts disclosure of information that is reasonably accessible by other means, and the terms of the exemption 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.

The information you have requested for 2016, is a subset of the Criminal Justice Statistics data held in its final form which we routinely publish. It is intended for publication in May 2017. As such we are required to consider your request in a manner compliant with the Pre-release Access to Official Statistics Order 2008 further to Sections 11 and 13 of the Statistics and Registration Service (SRS) Act 2007.

It may be helpful to explain further that Ministry of Justice is obliged under Section 13 of the SRS Act to continue to comply with the Code of Practice for Official Statistics (the Code) for National Statistics designated statistics. Section 11(3) of the SRS Act regards the Pre-Release Access to Official Statistics Order as being included in the Code. Protocol 2 of the Code reflects the requirements of the Pre-Release Access to Statistics Order. Specifically, it requires producers of official statistics to ensure that no indication of the substance of a statistical report is made public, or given to the media or any other party not recorded as eligible for access prior to publication. I can confirm that the Ministry of Justice does publish information on court proceedings for revenge pornography court proceedings for 2016, as part of National Statistics. Therefore, to now disclose as part of your FOI request, will violate the provisions of Section 13 of the SRS Act and the Pre-Release Access Order to Official Statistics 2008 and as such engages the exemption under Section 44(1) (a).

Additionally, we are not obliged to provide information that is intended for future publication under the terms of Section 22 of the FOIA.

In line with the terms of this exemption in the FOIA, we have also considered whether it would be in the public interest for us to provide you with the information ahead of publication, despite the exemption being applicable.

When assessing whether or not it was in the public interest to disclose the information to you, we took into account the following factors:

**Public interest considerations favouring disclosure**

There are public interest arguments in favour of disclosure of this information at the present time. Disclosure would for example improve transparency in the operations of Government, and of the justice system in particular.

**Public interest considerations favouring withholding the information**

There are public interest arguments against disclosure of this information at the present time. These arguments include that it is in the public interest to adhere to the existing publication process for official statistics, which includes time for the data to be collated and properly verified.

It is also in the public interest to ensure that data used in the compilation of official statistics comply with the Code of Practice for Official Statistics and that resulting outputs are produced to the highest quality. Statistics of high quality are produced to sound methods, with all users having easy and equal access that is fair and open, and are managed impartially and objectively in the public interest. Premature publication could undermine the principle of making the information available to all at the same time through the official publication process.

We reached the view that, on balance, the public interest is better served by withholding this information under Section 22 of the Act at this time.