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|  | **Our Reference:** 107076 |   | March 2017 |

**Freedom of Information Request**

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

**1) Could I please have, for each year since 2010, the number of people convicted for each part of parts 1-5 of the Public Order Act 1986. (e g. 2010: 5 for riot, 100 for violent disorder etc.)**

**1b) Can I have these numbers broken down by ethnicity? (eg. 2010: white british: 2 for riot, 78 for violent disorder etc.)**

**2) Could I please have, for each year since 2010, the number of people given custodial sentences for each part of parts 1-5 of the Public Order Act 1986.**

**2b) Can I have these numbers broken down by ethnicity? And can I have the average custodial sentence for each offence broken down by ethnicity?**

**3) Could I please have, for each year since 2010, the number of people prosecuted (or proceeded against) for each part of parts 1-5 of the Public Order Act 1986.**

**3b) Can I have these numbers broken down by ethnicity?**

Your request has been handled under the Freedom of Information Act 2000 (FOIA). Please accept my apologies for the delay in this response.

I can confirm that the department holds the information that you have asked for. Please see the attached annex.

With regard to the information you have requested for 2016, under section 44(1)(a) we are not obliged to provide information if there are prohibitions on disclosure ‘by or under any enactment’. In this case, the information you are seeking is prohibited by the Statistics and Registration Services Act 2007 and the Pre-release Access to Official Statistics Order 2008.

The information you have requested is a subset of the Criminal Justice Statistics data held in its final form which we routinely publish. It is intended for publication on the Ministry of Justice website in the summer 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.

The MoJ 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 Data Requested 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) of the FOIA.

Additionally, we are not obliged to provide information that is intended for future publication under the terms of section 22 of the FOIA. Data for 2016 is due to be published on the MoJ website in the summer 2017.

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 FOIA at this time.