|  |  |
| --- | --- |
| Ministry of Justice | April 2017 |

**Freedom of Information Act (FOIA) Request –** 111000

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

**I would like to obtain information regarding sections 1-5 of the Forgery and Counterfeiting Act 1981.**

**These are:**

**Section 1 – Forgery – making a false instrument**

**Section 2 – Copying a false instrument**

**Section 3 – Using a false instrument**

**Section 4 – Using a copy of a false instrument**

**Section 5 – Custody or control of false instruments and manufacture, custody, or control of equipment or materials to make them**

**The information I would like, for is I am interested to find out:**

* **·      The number of prosecutions for any of the offences cited above, regarding money, broken down by offence.**

**I would be grateful if you could give me advice and assistance under section 16 of the Act to ensure my request stays within the cost limit for the provision of free information or if I need to amend it to gain this type of information.**

**Please advise me if the information requested is already in the public domain, and if so where I can find it.**

**If you require me to clarify any aspect of my request or for me to suitably reword my request if it breaches the cost limit, then please do not hesitate to contact me via email or by calling me on 07481160542.**

**I would appreciate confirmation by email that you have received my request.**

Your request has been handled under the FOIA.

I can confirm that the MoJ holds all of the information that you have requested, as detailed below.

The attached table provides the number of defendants proceeded against at magistrates’ courts for offences under Section 1-5 of the Forgery and Counterfeiting Act 1981, in England and Wales, from 2011 to 2015.

This table does separate out offences solely related to money within these sections

Information for calendar year 2016 is exempt from disclosure under section 44(1)(a) of the FOIA, which refers to prohibitions on disclosure ‘by or under any enactment’ of the FOIA. In this case, the information you are seeking is prohibited by the Statistics and Registration Services (SRS) 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 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 (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 statistics designated as National 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 MoJ does publish information on convictions and sentencing outcomes for fraud and forgery offences, 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.

Section 44 is an absolute exemption and does not require a public interest test.

The information for 2016 is also exempt from disclosure under section 22(1) of the FOIA, because it is intended for future publication. Please note that whilst quarterly court proceedings and convictions headline data are published and are currently available up to end September 2016, these data are subject to revision as later quarters are published, and are finalised only when the annual publication is made publicly available. To ensure consistency of data released to users, further breakdowns (in this case by specific offences under certain legislation) of 2016 quarters 1 to 3 (January to September) data are not available until the annual criminal statistics publication is published in May 2017.

This is a qualified exemption which means that the decision to disclose the information is subject to the public interest test. 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**

* Disclosure would improve transparency in the operations of Government, and of the justice system in particular.

**Public interest considerations favouring withholding the information**

* 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 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.