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| Ministry of Justice | June 2017 |

**Freedom of Information Act (FOIA) Request –** 112297

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

**I would like to get the figure for the number of people convicted of offences related to new psychoactive substances please since they were made illegal in May 2016 and for the figures to be broken down by regions of England.**

Your request has been handled under the FOIA.

I can confirm that the MoJ holds the information that you have requested and it can be viewed in the attached table as below.

* Offenders found guilty of offences under the Psychoactive Substances Act 2016 by regions of England, May-December 2016.

Some of the information, which covers 2017, 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. 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. 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.

Please also be aware that Section 44 is an absolute exemption and does not require a public interest test.

The information for 2017 is also exempt from disclosure under section 22(1) of the FOIA, because it is intended for future publication and data are not available until the annual criminal statistics publication is published on 17 May 2018.