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| Ministry of Justice | October 2017 |

**Freedom of Information Act (FOIA) Request –** 170916005

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

**The annual number of a) arrests and b) convictions for prostitution and exploitation of prostitution offences broken down by type of offence (e.g. loitering or soliciting, kerb crawling, keeping a brothel etc.) for each of the last 5 calendar years including 2016 and for the period of 2017 where records are available. Please send me the data requested in the form of an Excel spreadsheet or as a csv file. If you are able to supply some of this information more quickly than other items, please supply each item when you can rather than delay everything until it is all available. If it is necessary for any reason to redact any information, please redact the minimum necessary and send me the rest of the material, explaining the legal grounds for each redaction. If there are any clarifications requested or exemptions cited for certain parts of the request, please provide responses for others in the meantime, as advised by the Information Commissioner. If you need any clarification then please email me. Under your section 16 duty to provide advice and assistance I would expect you to contact me if you find this request unmanageable in any way so we can negotiate how best to proceed. I would be grateful if you could confirm in writing that you have received this request, and I look forward to hearing from you in the near future,**

Your request has been handled under the FOIA.

I can confirm that the MoJ holds the information that you have requested. However, some of the information is exempt from disclosure under section 21 of the FOIA, because it is reasonably accessible to you. The information held, which applies to England and Wales only, can be accessed via the following link to the annual criminal justice statistics publication.

<https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2016>

From the landing page, select the Criminal Justice Statistics outcomes by offence data tool. From the offence drop down box within the pivot, select the offences you are interested in which would include:-

**27 Soliciting for prostitution**

**71.1 Abuse of children through prostitution and pornography - indictable only**

**71.2 Abuse of children through prostitution and pornography - triable either way**

**24 Exploitation of prostitution**

**107 Brothel Keeping**

**166 Offence by Prostitute**

**167 Aiding, etc. Offence by Prostitute** – please note that from 1 April 2010 onwards this includes soliciting offences which replace the repealed offences in the table under the Sexual Offences Act 1985.

A breakdown of what these offences entail is available from the ‘Offence group classifications’ document which is available on the publication homepage referred to above.

Details of the other offences you requested are shown in the attached annex.

Information for the calendar year 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. It is intended for publication on 17 May 2018. 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 2017, as part of National Statistics. Therefore, to disclose this now 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 2017 is also exempt from disclosure under section 22(1) of the FOIA, because it is intended for future publication. The annual criminal statistics publication is planned for publication on 17 May 2018.

Please note that whilst quarterly court proceedings and convictions headline data are published on the MoJ website and are currently available up to the end of March 2017, this data is 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 2017 Quarter 1 (January to March) data are not available until the annual criminal statistics publication is published.

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.