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| Ministry of Justice | October 2017 |

**Freedom of Information Act (FOIA) Request – 170928008**

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

**I’m interested in criminal justice actions against people who have breached the terms attached to Criminal Behaviour Orders between October 2014 and June 2017. Please break the data down by specific age, gender, criminal justice area, and if possible ethnicity.**

**Please provide information on:**

**1. How many prosecutions have there been for breach of a CBO in the specified time period?**

**2. How many convictions have there been for breach of a CBO in the specified time period?**

**3. How many fines have there been for breach of a CBO in the specified time period?**

**4. How many prison sentences have there been for breach of a CBO in the specified time period?**

Your request has been handled under the FOIA.

I can confirm that the MoJ holds all of the information that you have requested and I have provided it some of it in the attached table.

Table 1 shows breaches of Criminal Behaviour Orders (CBOs): the number of defendants proceeded against for breach of a CBO, found guilty, outcome by specific age, gender, police force area, and ethnicity, England and Wales, October 2014 - December 2016.

Note that you can view the number of prosecutions by selecting ‘*magistrates’ courts’* from the court type field in the filter area in the above table.

Some of the information you requested, which pertains to the time period covering January – June 2017 Inc. 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.

Some of the information you have requested is a subset of the court proceedings 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 court proceedings for January – June 2017 Inc. 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.

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

The information relating to January – June 2017 Inc.is also exempt from disclosure under section 22(1) of the FOIA, because it is intended for future publication. Please note that whilst quarterly headline data are published and are currently available up to 31 March 2017, these data are subject to revision as later quarters are published, and are finalised only when the annual publication is made publicly available on 17 May 2018.

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.