



Disclosure Team  
Ministry of Justice  
102 Petty France  
London  
SW1H 9AJ

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XXXX

data.access@justice.gsi.gov.uk

August 2019

Dear XXXX

### **Freedom of Information Act (FOIA) Request – 190710001**

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

**How many cases heard in UK magistrates courts were re-opened using section 142 of the Magistrates court act 1980, within the last 12 months? Total number of re-opened cases please. If you would List the figure count number next to each respective Magistrate court name alphabetically. Or failing this, a total count figure itself will be acceptable. But its preferred to have the numbers given for each court.**

Your request has been handled under the FOIA.

It has been passed to me because I have responsibility for answering requests relating to data in Her Majesty's Courts and Tribunals Service (HMCTS). HMCTS is an executive agency of the MoJ and is responsible for the administration of the magistrates' courts, the Crown Court, the County Court, the Family Court, the High Court, Court of Appeal and tribunals in England and Wales and non-devolved tribunals in Scotland and Northern Ireland.

I can confirm that the MoJ holds the information that you have requested and I have provided it in the attached tabulation for Financial Year 2018/19.

If a request is made for information and the total figure amounts to five people or fewer, the MoJ must consider whether this could lead to the identification of individuals and whether disclosure of this information would be in breach of our statutory obligations under the General Data Protection Regulation and/or the Data Protection Act 2018. We believe that the release of some of this information would risk identification of the individuals concerned. For this reason, MoJ has chosen not to provide an exact figure where the true number falls between one and five. However, it should not be assumed that the actual figure represented falls at any particular point within this scale; 'five or fewer' is used as a replacement value from which it would be difficult to isolate or extract any individual data.

Personal data can only be released if to do so would not contravene any of the data protection principles set out in Article 5(1) of the General Data Protection Regulation and section 34(1) of the Data Protection Act 2018.

We believe releasing the requested information into the public domain would be unlawful. Individuals have a clear and strong expectation that their personal data will be held in confidence and not disclosed to the public under the FOIA.

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

In accordance with the above, values between 1-5 are shown as “~” in the attached data.

#### Notes regarding the attached data

- Data are a count of each Application under the S142 Magistrates Court Act 1980 listed for first hearing during the period April 2018 to March 2019 where the Court agreed to re-open the Case by applying the result code 'ROPEN'.
- Values between 1-5 are shown as “~”.
- Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that the data have been extracted from large administrative data systems generated by the courts. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when data are used.
- Data are taken from a live management information system and can change over time.
- Data are management information and are not subject to the same level of checks as official statistics.
- The data provided is the most recent available and for that reason might differ slightly from any previously published information.
- Data has not been cross referenced with case files.

#### **Appeal Rights**

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

data.access@justice.gov.uk

Disclosure Team, Ministry of Justice, 10.38, 102 Petty France, London, SW1H 9AJ

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

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