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|  | October 2023 |

**Freedom of Information Act (FOIA) Request –** 230910004

Thank you for your request in which you asked for the following information from the Ministry of Justice (MoJ):

**Could you please provide me an update to a PQ [Ref: 6755/6758] provided to Philip Davies MP in relation to ROTL for Christmas 2014. When I state I would like an update could it relate to the numbers of prisoners released over the Christmas holiday in 2022. What I would like is the maximum ROTL and the mean ROTL for prisoners over this period as well as similar tables that were provided to Mr Davies.**

Your request has been handled under the FOIA.

I can confirm that the MoJ holds the information that you have requested and I have provided it in the Excel spreadsheet contained in the attached annex.

However, some of the information is exempt from disclosure under section 40(2) of the FOIA, because it contains personal data.

If a request is made for information, 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 two. However, it should not be assumed that the actual figure represented falls at any particular point within this scale; 'two or fewer' is used as a replacement value from which it would be difficult to isolate or extract any individual data.

Section 40(2) and section 40(3A)(a) of the FOIA taken together mean that personal data can only be released if to do so would not contravene any of the principles set out in Article 5(1) of the General Data Protection Regulation (GDPR) and section 34(1) of the Data Protection Act 2018.

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. Also, although s40 is an absolute exemption, we have considered whether there is a wider public interest in disclosing this personal information, that would override the fundamental rights of those concerned. We have concluded there is no such public interest in this instance.

We believe releasing the requested information into the public domain would be unlawful; the personal information is therefore exempt from disclosure under section 40(2).

This is an absolute exemption and does not require a public interest test under the FOIA

Public protection is our priority and prisoners on ROTL are subject to a strict set of conditions. This can include preventing them from contacting their victims and excluding them from certain areas, or not consuming alcohol or entering licensed premises.

By providing opportunities to work, learn and build family ties, temporary release from prison helps prevent offenders from returning to crime.

Evidence shows the vast majority abide by their temporary release conditions, with the compliance rate standing at well over 99%. Non-compliance is, and will continue to be, dealt with robustly.