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|  | **Our Reference:** 586-16 FOI 108283 |   | November 2016 |

**Freedom of Information Request**

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

**I write with regard to the Ministry of Justice statistics on the number of cases before the courts in England and Wales.**

**I am currently doing some research and have been looking for a breakdown of statistics on the number of sexual offences cases in England and Wales, but have been unable to find the number cases before the courts with regard to different types of sexual offences. Specifically, I am trying to find out the number of cases before the courts in recent years up to the present which pertain to indecent images of children contrary to section 1 of the Protection of Children Act 1978 and section 160 of the Criminal Justice Act 1988.**

**Does the Ministry of Justice keep such statistics and if so would you be able to send them to me or tell me where I might find them? Also, are the offences typically committed piecemeal by a large number of offenders or is it more common to find a smaller number of offenders in possession of a large number of indecent images. Any assistance you could give me would be very much appreciated.**

Your request has been handled under the Freedom of Information Act 2000 (FOIA).

I can confirm that the Ministry of Justice holds the information that you have asked for. However, because the cost of complying with your request would exceed the limit set by the Freedom of Information Act, on this occasion I'm afraid I will not be taking your request further. In this letter I explain why that is the case and I also provide you with some advice as to how you could refine your request so that we may be able to answer it.

The law allows us to decline to answer FOI requests when we estimate it would cost us more than £600 (equivalent to 3½ working days’ worth of work, calculated at £25 per hour) to identify, locate, extract, and then provide the information that has been asked for.

It may help if I explain that the Ministry of Justice Court Proceedings Database holds information on defendants proceeded against, found guilty and sentenced for criminal offences in England and Wales. This database holds information on offences provided by the statutes under which proceedings are brought but not all the specific circumstances of each case. This centrally held information does not allow us to separately identify the number of images each offender found guilty of an offence relating to indecent images of children had in their possession. This detailed information is not reported to Justice Statistics Analytical Services due to its size and complexity.

In this instance, to provide you with the information, we would be required to contact all the courts in England and Wales and ask them to search individual case files involving offenders found guilty of offences relating to possession of indecent images of children in order to establish the number of images involved in each conviction. To collect and collate the information you require on the scale you have requested would exceed the ‘appropriate limit’ set out in Section 12(1) of the FOIA.

You can find out more about Section 12(1) by reading the extract from the Act and some guidance points we consider when applying this exemption, attached at the end of this letter.

You can also find more information by reading the full text of the Act, available at <http://www.legislation.gov.uk/ukpga/2000/36/section/12>.

Whilst you could narrow the scope of your request in order to try and bring it within the cost limit, for example by requesting information for a particular court, I would like to take this opportunity to advise you that it is very likely that any information that may be held within scope of your request may be exempt from disclosure under the FOIA under the terms of Section 32 (Court Records). Therefore it is likely that any subsequent narrowed request could be refused under Section 32.

Outside the scope of the Act, and on a **discretionary basis**, our published statistics with regard to indecent images offences can be found in our annual publication, linked below. Scroll down to the Criminal Justice Statistics outcomes by offence data tool, and then select these offences from the offence drop down box:-

86.1 Taking, permitting to be taken or making, distributing or publishing indecent photographs or pseudo photographs of children, and

86.2 Possession of indecent photograph of a child

<https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2015>