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|  | **Our Reference:** 395-16 FOI 106418 & 452-16 FOI IR 106966 |  | January 2017 |

**Freedom of Information Request**

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

**How many people have been convicted for offences involving prostitution or sex work, including pornography, brothel keeping or soliciting sex?**

**How many people have been arrested on suspicion of offences involving prostitution or sex work, including pornography, brothel keeping or soliciting sex?**

**I wish to receive this information for the following years: 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, and so far in 2016.**

**I also wish to see the data each year broken down by gender, i.e. how many men in 2007, how many women in 2007 as well as the total sum for each year, etc.**

Your request has been handled under the Freedom of Information Act 2000 (FOIA), and I apologise sincerely for the severe delay in responding, reasons for which can be found in the response to your enquiry into the reason for the delay at the base of this letter..

I can confirm that the MoJ holds some of the information requested, please see the attached annex. Some of the data is exempt from disclosure as detailed below.

The number of offenders found guilty at all courts of selected prostitution offences, by gender, in England and Wales, from 2007 to 2015, can be viewed in the attached table.

The number of offenders found guilty of remaining prostitution offences at all courts, in England and Wales, from 2007 to 2015 is exempt under section 21 of the FOIA because it reasonably accessible to you in the Criminal Justice Outcomes by Offence data tool in the latest annual Criminal Justice Statistics publication linked below:

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

Such offences are as below:-

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 Offence by Prostitute – please note from 1 April 2010 onwards this includes soliciting offences which replace the repealed offences in the table under the Sexual Offences Act 1985.**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

Section 21 of the FOIA exempts disclosure of information that is reasonably accessible by other means, and the terms of the exemption mean that we do not have to consider whether or not it would be in the public interest for you to have the information.

You can find out more about section 21 by reading the extract from the FOIA and some guidance points we consider when applying this exemption, attached at the end of this letter.

With regard to the information you have requested for 2016, under section 44(1)(a) of the FOIA we are not obliged to provide information if there are prohibitions on disclosure ‘by or under any enactment’. 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 in summer 2017. 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 and cautions for prostitution related offences for 2016, 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.

Additionally, we are not obliged to provide information that is intended for future publication under the terms of section 22 of the FOIA. Data for 2016 is due to be published in May 2017.