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**Freedom of Information Act (FOIA) Request – 110728**

You asked for the following information from the Ministry of Justice:

**1. How many prosecutions have been brought under the Racial and Religious Hatred Act 2006 since it came into force?**

**2. How many of these prosecutions were successful (eg in how many cases were those accused found guilty of some offence under the act)?**

**I understand that in response to a previous request you provided figures for this question up until 2011 (I have attached these figures), I am therefore looking for the statistics for the following years.**

I can confirm that the department holds the information that you have asked for .and can be viewed as below.

Please find the latest data following your previous FOI 76693 (531-12).

The attached table provides details of the number of defendants proceeded against at magistrates’ court and offenders found guilty at all courts for acts intended to stir up religious hatred (offences under sections 29(b) to (g) of the Public Order Act 1986), broken down by police force area in England and Wales, from 2011 to 2015 (latest available). Please note that the data given is broken down to police force area level only. Please note that the Racial and Religious Hatred Act 2006 added to the Public Order Act 1986 sections 29(b) to (g) to include offences of “acts intended to stir up religious hatred”.

Please note historic data has been revised to reflect continued data improvements which reflect in 2011 data.

Some of the information, which covers 2016, 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.

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 May 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 for offences of personation, 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.

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

The information for 2016 is also exempt from disclosure under section 22(1) of the FOIA, because it is intended for future publication. Please note that whilst quarterly court proceedings and convictions headline data are published and are currently available up to end September 2016, these data are subject to revision as later quarters are published, and are finalised only when the annual publication is made publicly available. To ensure consistency of data released to users, further breakdowns (in this case by specific offences under certain legislation) of 2016 Quarters 1 to 3 (January to September) data are not available until the annual criminal statistics publication is published in May 2017.