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| Ministry of Justice | April 2017 |

**Freedom of Information Act (FOIA) Request –** 110272

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

**“Please could you provide me with the follow for both Basildon Crown Court and Chelmsford Crown Court, for each of the last three years from December 2013 to December 2016:**

**1. The number of people convicted of making, possessing or distributing indecent images of children. Where possible, please break down the charges for each individual.**

**2. The ages of those convicted.**

**3. The sentence for each individual (custodial, suspended or other). Please don’t worry about details of community orders and costs, etc, but please include the lengths of prison sentences.”**

Your request has been handled under the FOIA, and I apologise for the delay in response.

I can confirm that the MoJ holds all of the information that you have requested, and your request for ages has been interpreted as a request for the headline adult and juvenile breakdown we provide in our publication.

The number of adult offenders found guilty and sentenced (with sentencing breakdowns) at the above courts are detailed as below:-.

* Table 1 details those cases related to making and distributing indecent images
* Table 2 details those cases related to possession of indecent images

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 and sentencing for offences involving indecent images of children, 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.

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 & 2 (January to June) data are not available until the annual criminal statistics publication is published in May 2017.

This is a qualified exemption which means that the decision to disclose the information is subject to the public interest test. When assessing whether or not it was in the public interest to disclose the information to you, we took into account the following factors:

**Public interest considerations favouring disclosure**

* Disclosure would improve transparency in the operations of Government, and of the justice system in particular.

**Public interest considerations favouring withholding the information**

* It is in the public interest to adhere to the existing publication process for official statistics, which includes time for the data to be collated and properly verified.
* It is in the public interest to ensure that data used in the compilation of official statistics comply with the Code of Practice for Official Statistics and that resulting outputs are produced to the highest quality. Statistics of high quality are produced to sound methods, with all users having easy and equal access that is fair and open, and are managed impartially and objectively in the public interest. Premature publication could undermine the principle of making the information available to all at the same time through the official publication process.

We reached the view that, on balance, the public interest is better served by withholding this information under section 22 of the FOIA at this time.

Please be aware that we are not obliged, under section 40(2) of the FOIA, to provide information that is the personal information of another person if releasing would contravene any of the provisions in the Data Protection Act 1998 (DPA) – for example, if disclosure is unfair.

No information regarding juveniles has been provided as it is exempt under section 40 (2) of the FOIA. Section 40(2) of the FOIA states that personal data relating to third parties (i.e. a party other than the person requesting the information) is exempt information if one of the conditions in Section 40(3) is satisfied. It is our view that provision of the personal details of juveniles convicted of such offences would breach one or more of the Data Protection Principles in the DPA. This is because juvenile cases are heard in closed courts and media reports of cases involving juveniles have to be anonymous. As a result, if any information in the statistics could be linked to a particular individual that would be putting new information into the public domain in a way that could lead to damage or distress on the part of the juveniles concerned. Because information is being provided regarding cases heard at particular courts, there is a significant risk that statistics could be linked to a particular individual, leading to the sole provision of data relating to adults.