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| Ministry of Justice | Data Access & Compliance Unit  Ministry of Justice  102 Petty France  London  SW1H 9AJ  [data.access@justice.gsi.gov.uk](mailto:data.access@justice.gsi.gov.uk)  August 2017 |

**Freedom of Information Act (FOIA) Request –** FOI 112974

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

**Would it be possible to get age breakdown by disposal category and disposal type without breaking Data Protection laws? Where, by disposal category and disposal type, I mean including in the pivot table a way to check whether the FTE ended up with a caution, a community sentence or in immediate custody. I meant to request Offence Class in the pivot table as well.**

Your request has been handled under the FOIA.

I can confirm that the MoJ holds all of the information that you have requested. However, it is exempt from disclosure under section 40(2) of the FOIA, because it contains personal data.

Personal data can only be released if to do so would not contravene any of the data protection principles of the Data Protection Act 1998 (DPA). The first principle states:

*Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless—*

*(a) at least one of the conditions in Schedule 2 is met, and*

*(b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.*

We believe releasing the requested information into the public domain, including a breakdown by age group and disposal category, would be unlawful as the small figures of less than five mean individual offenders would be identifiable. 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.

Disclosure would therefore breach the first data protection principle as it would be unlawful. We do not have to consider schedules 2 and 3.

I have also looked in to whether offence class could be provided. Unfortunately we are also unable to provide this as a similar issue applies. Small figures mean that offenders would be identifiable.

However, outside the scope of the FOIA I have provided the attached table which shows, for each Local Authority area, the overall number of first time entrants whose last known residence was in that area broken down by the type of sentence that first time entrant received.

Yours sincerely

Justice Statistics Analytical Services