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| Ministry of Justice | July 2017 |

**Freedom of Information Act (FOIA) Request –** 112760

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

**Under the Freedom of Information Act, please could you provide the number of prosecutions, and the number of convictions under S33 of the Criminal Justice and Courts Act 2015 since 13 April 2015?**

**If possible, please could you also provide the number of offenders of each gender for each category; and the numbers aged under 18 and 18 or over in each category? Please provide the information broken down by police force area.**

Your request has been handled under the FOIA.

I can confirm that the MoJ holds all of the information that you have requested, and some of it is provided in the attached annex.

Information for calendar year 2017 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 on 17 May 2018. 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 convictions and sentencing outcomes for 2017, 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 2017 is also exempt from disclosure under section 22(1) of the FOIA, because it is intended for future publication. The annual criminal statistics publication is planned for publication on 17 May 2018.