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| Ministry of Justice | December 2017 |

**Freedom of Information Act (FOIA) Request – 170919011**

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

1. **Firstly, for the years 2014, 2015, 2016, so far in 2017, how many curfew orders have been imposed on defendants who appeared in Cumbria's courts? Can you please specify how many of these were adults, and how many juveniles, and state also the total for each of the last years requested.**
2. **Can you please let me know the cost to the public purse of administering these curfews for the years requested.**

Your request has been handled under the FOIA.

Question 1

I can confirm that the department holds the information that you have asked for covering 2014 to 2016 and it can be viewed in the attached annex.

Please note that no juveniles were reported to have been subject to a Curfew Order by courts in Cumbria from 2014 to 2016.

Question 2

The MoJ does not hold any information in the scope of your request. This is because we are not the appropriate authority to contact on this subject.

Administration of Curfew Orders is managed by various different authorities and therefore the MoJ does not have data on the cost of providing the end to end service across the government as a whole. We are therefore unable to provide the total cost of administering these orders.

The FOIA does not oblige a public authority to create information to answer a request if the requested information is not held. The duty is to only provide the recorded information held.

Some of the information, which covers the number of Curfew Orders imposed in 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 sentencing 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.

Please also be aware that 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. Please note that whilst quarterly court proceedings, convictions and sentencing headline data are published and are currently available up to June 2017, 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 of 2017 Quarters 1 and 2 (January to June) data are not available until the annual criminal statistics publication is published in May 2018.

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.