



Disclosure Team
Ministry of Justice
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2 July 2020

Dear Dr Carter

Freedom of Information Act (FOIA) Request – 200611006

Thank you for your request dated 11 June 2020 in which you asked for the following information from the Ministry of Justice (MoJ):

To whom it may concern:

Could you please provide me with data on the number of prosecutions, both convictions and acquittals, to the Obscene Publications Act (1959) since 1959 and to 2019?

Your request has been handled under the FOIA.

I can confirm the MoJ holds all of the information you have requested. However, to provide as the request currently stands would exceed the cost limit set out in the FOIA.

Section 12(1) of the FOIA means public authorities are not obliged to comply with a request for information if it estimates the cost of complying would exceed the appropriate limit. The appropriate limit for central government is set at £600. This represents the estimated cost of one person spending 3.5 working days determining whether the department holds the information, and locating, retrieving and extracting the information.

Information collated centrally by the MoJ cannot identify offence by offence breakdowns prior to 1984.

We believe that the cost of locating, retrieving and extracting the requested information from individual case files at the courts in England and Wales would exceed the appropriate limit. Consequently, we are not obliged to comply with your request.

Although we cannot answer your request at the moment, we may be able to answer a refined request within the cost limit. You may wish to consider, for example, requesting information from 1984 onwards. Please be aware that we cannot guarantee at this stage that a refined request will fall within the FOIA cost limit, or that other exemptions will not apply.

For guidance on how to structure successful requests please refer to the ICO website on the following link: http://ico.org.uk/for_the_public/official_information

http://www.legislation.gov.uk/ukxi/2004/3244/pdfs/ukxi_20043244_en.pdf

Outside the scope of the FOIA, information on prosecutions from 2013 onwards is available in the **Principal offence proceedings and outcomes by Home Office offence code data tool** at the below link. Select 'Possessing offensive material for gain' from the 'detailed offence drop down box.

<https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2019>

Appeal Rights

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

data.access@justice.gov.uk

Disclosure Team, Ministry of Justice

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

David Carmichael
Justice Statistics Analytical Services