

John Campbell
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data.access@justice.gov.uk

30 June 2020

Dear Mr Campbell

Freedom of Information Act (FOIA) Request – 200622014

Thank you for your request dated 22 June 2020 in which you asked for the following information from the Ministry of Justice (MoJ):

I am interested in whether individuals convicted at a magistrates' court – regardless of whether they pleaded guilty or not – for convictions arising from prosecutions for passport and document related offences applied to the Crown Courts to reverse their conviction and/or sentence?

For the years 2011 to 2020, how many such convictions were appealed to the Crown Courts by year?

For the period 2011 to 2012, how many convictions were overturned?

For the period 2011 to 2012, how many sentences were quashed?

Your request has been handled under the FOIA.

I can confirm that the MoJ holds all of the information that you have requested.

All of the information is exempt from disclosure under section 32 of the FOIA because it is held only by virtue of being contained in a court record.

Under section 32(1)(c) information is exempt if it is a document created by a member of the administrative staff of a court for the purposes of proceedings in a particular cause or matter. The reason for section 32 is to preserve the courts control over court records. Even if a document may have been made public at the hearing it ceases to be a public record after the hearing and then becomes protected by virtue of section 32. The greater public interest was considered to lie in the preservation of the courts' own procedures for considering disclosure.

Section 32 is an absolute exemption and there is no duty to consider the public interest in disclosure.

You may wish to contact the court directly to apply for access to court documents under the Criminal Procedure Rules. These are separate and specific regimes for access to information held by courts, designed to give those bodies themselves a measure of control

over that information. Rules of court already provide a comprehensive code governing the disclosure of court records and documents served in the course of proceedings. Please note that you will be required to pay a fee as advised by the court.

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.

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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