

Lucy Sked

10 April 2019

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Dear Ms Sked

Freedom of Information Act (FOIA) Request – 190313006

Thank you for your requests dated 13 March 2019 in which you asked for the following information from the Ministry of Justice (MoJ):

Request 1:

I would like the figures on how many prisoners were:

- (i) Released from HMP Berwyn from the period of January 2018-January 2019?**
- (ii) Of those prisoners released, how many were released into unsettled accommodation?**

Request 2:

I would like the figures on how many prisoners were:

- (i) Released from HMP Oakwood from the period of January 2018-January 2019?**
- (ii) Of those prisoners released, how many were released into unsettled accommodation?**

Request 3:

I would like the figures on how many prisoners were:

- (i) Released from HMP Wandsworth from the period of January 2018-January 2019?**
- (ii) Of those prisoners released, how many were released into unsettled accommodation?**

Your requests have been handled under the FOIA.

Where more than one request is received for the same or similar information, section 5(2) of the FOI and Data Protection (Appropriate Limit and Fees) Regulations 2004 allows public

authorities to aggregate requests and respond to them together I have therefore aggregated your requests.

In relation to part (i) of your three requests above about releases, I can confirm that the MoJ holds the information that you have requested. However, some of the information is exempt from disclosure under section 21 of the FOIA, because it is reasonably accessible to you.

The information can be accessed via the following link:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/774477/releases-q3-2018.ods

Table 3.3 in the above link shows releases from determinate and indeterminate sentences by establishment, and sex, to September 2018 (latest currently available).

Some of the information you requested covering the period covering October, November and December 2018 (Q4 of 2018) and January 2019 (Q1 of 2019) is exempt from disclosure under section 22(1) of the FOIA, because it is intended for future publication.

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.

In relation to part (ii) of your three requests above about releases into unsettled accommodation, I can confirm that the MoJ holds the information that you have requested and I have provided some of it in the attached table which shows Prisoners released into unsettled accommodation, January 2018 – March 2018.

However, some of it is exempt from disclosure under section 40(2) of the FOIA, because it contains personal data.

If a request is made for information and the total figure amounts to two people or fewer, the MoJ must consider whether this could lead to the identification of individuals and whether disclosure of this information would be in breach of our statutory obligations under the General Data Protection Regulation and/or the Data Protection Act 2018. We believe that the release of some of this information would risk identification of the individuals concerned. For this reason, MoJ has chosen not to provide an exact figure where the true number falls between one and two. However, it should not be assumed that the actual figure represented falls at any particular point within this scale; 'two or fewer' is used as a replacement value from which it would be difficult to isolate or extract any individual data.

Personal data can only be released if to do so would not contravene any of the data protection principles set out in Article 5(1) of the General Data Protection Regulation and section 34(1) of the Data Protection Act 2018.

We believe releasing the requested information into the public domain would be unlawful. 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.

This is an absolute exemption and does not require a public interest test.

Some of the information you requested covering the period from April 2018 to January 2019 are exempt from disclosure under Section 44(1)(a) of the FOIA. We are not obliged to provide information if there are prohibitions on disclosure 'by or under any enactment' (Section 44(1)(a) of the FOIA).

Disclosure of this information is prohibited by the Statistics and Registration Services Act 2007 and the Pre-release Access to Official Statistics Order 2008. For the period April 2018 to January 2019, the number of releases into unsettled accommodation by establishment are intended for future publication on the 25th July 2019.

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 Statistics and Registration Service (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 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 data on the number of releases into unsettled accommodation by establishment for April 2018 to January 2019 as part of National Statistics. Therefore, to now disclose its full or sub-set as part of your FOI request would 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.

The terms of this section 44 exemption mean that we do not have to consider whether or not it would be in the public interest for you to have the information.

We have invested an extra £22m a year in services for offenders on release, meaning there will be nearly 500 more staff working with offenders in prison after April this year, to help them secure employment and accommodation.

We are also working more closely with local authorities to identify offenders who are at risk of sleeping rough and have launched a £6 million scheme that will help them stay off the streets and away from crime.

While we work extremely closely with every offender before and after their release to give them the support they need to find accommodation, responsibility for ensuring housing is available is ultimately for the local authority.

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, 10.14, 102 Petty France, London, SW1H 9AJ.

You do have the right to ask the Information Commissioner Office's (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

Tristan McAlpine
Enquiries Officer, Dissemination and Enquiries Team