

Zoey Litchfield  
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data.access@justice.gsi.gov.uk

07 February 2018

Dear Ms Litchfield,

**Freedom of Information Act (FOIA) Request – 180110013**

Thank you for your email of 10 January in which you asked for the following information from the Ministry of Justice (MoJ):

***1 - Number of women received into prison under sentence in each of the last five whole reporting years, broken down by offence category, sentence length and nationality.***

***2 - Number of women remanded to custody in each of the last five whole reporting years, broken down by nationality and offence category.***

Your request has been handled under the FOIA.

I can confirm the MoJ holds some of the information you have requested and I have provided this in the attached tables. Please note however, that due to IT migration the MoJ does not hold the requested level of detail for remand and sentenced first receptions for 2014. An imputed total is provided – explained in the footnotes to the table – but data does not exist to give a further breakdown of sentence length/offence group/nationality.

Also, some of the information 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 five 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 Data Protection Act 1998 (DPA). 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 was 1 or 2. It should not be assumed that the actual figure represented falls at any particular point within this scale; the asterisk is used to represent a 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 of the Data Protection Act 1998 (DPA). The first principle states:

*Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless—*

*(a) at least one of the conditions in Schedule 2 is met, and*

*(b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.*

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.

Disclosure would therefore breach the first data protection principle as it would be unlawful. We do not have to consider schedules 2 and 3.

Further information on the data protection principles is available as follows:

<http://www.legislation.gov.uk/ukpga/1998/29/schedule/1>

<http://www.legislation.gov.uk/ukpga/1998/29/schedule/2>

<http://www.legislation.gov.uk/ukpga/1998/29/schedule/3>

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

We are committed to doing all we can to address the issues around female offending so we can better protect the public and deliver more effective rehabilitation. That is why we plan to set out a strategy for female offenders, to improve outcomes and services for women in both the community and custody.

### **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.gsi.gov.uk](mailto:data.access@justice.gsi.gov.uk)

Disclosure Team, MoJ, 10.38, 102 Petty France, London, SW1H 9AJ

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

Roman Bowden  
HMPPS Women's Team