

6 April 2017

Dear Mr Ward

Freedom of Information Act (FOIA) Request – 110789

Thank you for your request dated 11 March 2017 in which you asked for the following information from the Ministry of Justice (MoJ):

Following the closure of Lowestoft Magistrates Court in 2016 I would like to receive information to the following questions:

- 1. What types of security measures are in place at the court?**
- 2. How much is this security costing on a monthly basis?**

Your request has been handled under the FOIA.

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

Question 1

The information is exempt from disclosure under section 38(1) (a) and (b) of the FOIA because it would or would likely to endanger the physical or mental health of any individual, or endanger the safety of any individual.

Section 38(1) (a) and (b) is a qualified exemption which means that the decision to disclose the requested material 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

- Disclosing the information requested would promote public confidence that the government is operating a clear and transparent policy in all areas.
- Disclosing the information pertaining to the cost of security would promote public confidence that taxpayers' money is being used correctly to maintain the security at courts.
- Disclosing the information would keep the public informed about how they are being protected from offenders when attending our buildings.

Public interest considerations favouring withholding the information

- Disclosing security measures in place at a court, even where the court is now closed would put the security of courts and the safety of individuals working at or detained within the courts at risk as security measures across the court estate operate in a similar manner including the security features of the buildings. Disclosure of the information concerned would undermine security and safety across the wider estate and may mean security protocols are altered to less effective measures. It is not in the public interest to compromise the safety of court users.
- Disclosure of the information could also put staff and members of the public at further risk as it could enable individuals to deduce a way to circumvent the court security, particularly in respect of the screening practices upon entering the court, or the undermine the security of the cells, it is not in the public interest to compromise the security of a court building.

Question 2

This information is exempt from disclosure under section 43(2) of the FOIA because disclosure would or would be likely to prejudice the commercial interests of any person, including the MoJ.

Section 43 is a qualified exemption which means that the decision to disclose the requested material 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

- Disclosing the information requested would promote public confidence that the government is operating a clear and transparent policy in all areas.
- All MoJ security is paid for by public funds and is therefore likely to be public interest in how taxpayers' money is used.

Public interest considerations favouring withholding the information

- It is not in the public interest to disclose commercial information which is sensitive as this could give undue advantage to some interested parties when the contract is put out to tender. This could leave the department open to accusations of being biased.
- It is believed that disclosure would be likely to prejudice the commercial interests of the department by affecting adversely its bargaining position during contractual negotiations which would result in the less effective use of public money.

On balance, I consider the public interest favours withholding the information at this time.

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

Data Access and Compliance Unit, Ministry of Justice, 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

Janet Riley
Estates Policy