



Disclosure Team
Ministry of Justice
102 Petty France
London
SW1H 9AJ

Sabrina Bucknole
request-659617-a31e5957@whatdotheyknow.com

data.access@justice.gov.uk

13 May 2020

Dear Ms Bucknole

Freedom of Information Act (FOIA) Request – 200417008

Thank you for your request dated 17 April 2020 in which you asked for the following information from the Ministry of Justice (MoJ):

I was hoping to find out if and when you are planning on releasing the Motoring Data Tool 2020.

The previous Motoring Data Tool was released on 16 May 2019 as can be seen here: <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2018> Please let me know the specific date in which you will be releasing the Motoring Data Tool 2020.

If you could also let me know whether the Motoring Data Tool will be published in the form of an Excel pivot table, that would be much appreciated.

Your request has been handled under the FOIA.

The information you have requested for 2019 is exempt from disclosure under section 44(1)(a) of the FOIA, which refers to prohibitions on disclosure 'by or under any enactment' of the FOIA. In this case, the information you are seeking is prohibited by the Statistics and Registration Services (SRS) Act 2007 and the Pre-release Access to Official Statistics Order 2008.

The information you have requested is a subset of the Criminal Justice Statistics data held in its final form which we routinely publish. It is intended for publication on 21 May 2020. 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 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 statistics designated as 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 information on court proceedings for 2019, as part of National Statistics. Therefore, to now disclose as part of your FOI request, will 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.

Section 44 is an absolute exemption and does not require a public interest test.

The information for 2019 is also exempt from disclosure under section 22(1) of the FOIA, because it is intended for future publication. Please note that whilst quarterly court proceedings and convictions headline data are published and are currently available up to end September 2019, these data are subject to revision as later quarters are published, and are finalised only when the annual publication is made publicly available. To ensure consistency of data released to users, further breakdowns (in this case by specific offences under certain legislation) of 2019 quarter 3 data are not available until the annual criminal justice statistics publication is published on 21 May 2020.

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.

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

Disclosure Team, MoJ, 10.25, 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

Giovanni Barbuti
Justice Statistics Analytical Services