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16 November 2022

Dear Mr Leibowitz

**Freedom of Information Act (FOIA) Request – 221101046**

Thank you for your requests dated 1 November 2022 in which you asked for the following information from the Ministry of Justice (MoJ):

**I am seeking information under the Freedom of Information Act (2000) regarding data held by the Ministry of Justice (MoJ) on remand decisions.**

**Specifically, I am requesting the following information: For each of the past five years for which data is available, what proportion of remand decisions in i) Crown Courts and ii) Magistrates' courts, were made on the basis of each of the categories defined in Schedule 1 of the Bail Act 1976.**

**Any information would be greatly appreciated and please do not hesitate to get in touch if you require any further clarification of the question.**

Thank you for your help.

And

**I am seeking information under the Freedom of Information Act (2000) regarding data held by the Ministry of Justice (MoJ) on bail and remand hearings.**

**Specifically, I am requesting the following information: What proportion of defendants in bail and remand hearings represent themselves in court, for each year in the past five years for which data is available?**

**Any information would be greatly appreciated and please do not hesitate to get in touch if you require any further clarification of the question.**

And

**I am seeking information under the Freedom of Information Act (2000) regarding data held by the Ministry of Justice (MoJ) on religiously motivated hate crime convictions in England and Wales.**

**Specifically, I am requesting the following information: how many convictions for religiously-motivated hate crimes have there been in England and Wales for each of**

**the past five years, broken down by the perceived religion of the victim (e.g if the hate crime was anti-Semitic in nature, or Islamophobic etc.)?**

**Any information would be greatly appreciated and please do not hesitate to get in touch if you require any further clarification of the question.**

Your request has 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

I can confirm the MoJ holds all of the information you have requested. However, to provide as the request currently stands would exceed the cost limit set out in the FOIA.

Section 12(1) of the FOIA means a public authority is not obliged to comply with a request for information if it estimates the cost of complying would exceed the appropriate limit. The appropriate limit for central government is set at £600. This represents the estimated cost of one person spending 3.5 working days determining whether the department holds the information, and locating, retrieving and extracting the information.

Information collated centrally by the MoJ does not include information concerning reasons for granted or not granting bail, the representation status of defendants at each individual hearing, or the nature of a religiously inspired hate crime

We believe that the cost of locating, retrieving and extracting the requested information from individual case files at the courts in England and Wales would exceed the appropriate limit. Consequently, we are not obliged to comply with your request.

Unfortunately, I am not able to suggest any refinement to your request which will allow it to be responded to within the cost limit. The information you have requested is also exempt from disclosure under section 32 of the FOIA because it is held only by virtue of being contained in a court record. Therefore, even if the scope of your request were reduced to the extent that it would come within the cost limit, section 32 would become engaged and the information would be withheld under that exemption.

For guidance on how to structure successful requests please refer to the ICO website on the following link: <https://ico.org.uk/your-data-matters/official-information/>

[http://www.legislation.gov.uk/ukxi/2004/3244/pdfs/ukxi\\_20043244\\_en.pdf](http://www.legislation.gov.uk/ukxi/2004/3244/pdfs/ukxi_20043244_en.pdf)

## **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

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  
Ministry of Justice Data and Analysis