



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

**Mr Paul W Sullivan**  
request-759037-1bf5d106@whatdotheyknow.com

data.access@justice.gov.uk

24 June 2021

Dear Mr Sullivan

**Freedom of Information Act (FOIA) Request – 210526034**

Thank you for your request dated 26 May 2021 in which you asked for the following information from the Ministry of Justice (MoJ):

**In FOI201110023, published on the MoJ website here**

**<https://www.gov.uk/government/publications/foi-releases-for-december-2020>**

**the MoJ disclosed, at Table 1, the numbers of remand prisoners awaiting trial, and total prison populations, held at each London prison at various dates.**

**My request is for a table showing, for every prison in England and Wales, the number of prisoners held on remand awaiting trial, and the total number of prisoners, on the following dates:**

- a) 30 June 2019**
- b) 30 Sept 2019**
- c) 31 Dec 2019**
- d) 31 Mar 2020**
- e) 30 June 2020**
- f) 30 Sept 2020**
- g) 31 Dec 2020**
- h) 31 Mar 2021**

**(Thus, similar to Table 1 in FOI201100023, but updated and extended nationwide.)**

Your request has been handled under the FOIA.

I can confirm that the MoJ holds all of the information that you have requested, and I have provided some of it in the attached Table 1, which shows the total prison population and prison population held on remand awaiting trial, by prison establishment, 30 June 2019 - 31 March 2021, England and Wales.

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

If a request is made for information, 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 is one or two. However, it should not be assumed that the actual figure represented falls at any particular point within this scale; 'one or two' is used as a replacement value from which it would be difficult to isolate or extract any individual data.

Section 40(2) and section 40(3A)(a) of the FOIA taken together mean that personal data can only be released if to do so would not contravene any of the principles set out in Article 5(1) of the General Data Protection Regulation (GDPR) and section 34(1) of the Data Protection Act 2018.

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. Also, although s40 is an absolute exemption, we have considered whether there is a wider public interest in disclosing this personal information, that would override the fundamental rights of those concerned. We have concluded there is no such public interest in this instance.

We believe releasing the requested information into the public domain would be unlawful; the personal information is therefore exempt from disclosure under section 40(2).

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

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

Disclosure Team, Ministry of Justice, 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

**Data and Evidence as a Service (DES),  
Ministry of Justice**