



Ref: 9087

Section 17 Notice under the Freedom of Information Act 2000

WITHHOLDING INFORMATION

Section 22(1) states that information intended for future publication is exempt information if:

- (a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),
- (b) the information was already held with a view to such publication at the time when the request for information was made, and
- (c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date of publication

Some of the data (2019/20) you have requested will be published later in the year on the Crown Prosecution Service Annual Report (CPS) website.

Section 22 is a qualified exemption which means that the decision to disclose the requested material is subject to a public interest test.

The CPS acknowledges that there is a public interest in demonstrating the transparency of the prosecution process and the performance of the organisation.

The timetable for publication allows for the review and validation of the figures to be included in the report and to release this information ahead of schedule would compromise the accuracy and completeness of the data and supporting information.

On balance, I do not consider that it would be in the public interest to disclose the information requested ahead of schedule.

Section 31(1)(c)– Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice the administration of justice



Section 31 is a qualified exemption which means that the decision to disclose the requested material is subject to a public interest test. I have set out the public interest factors taken into account in this case below:

Public interest factors in favour of disclosure

- There is a strong public interest in the transparency and accountability of the spending of public money.
- Transparency increases public confidence in the CPS and the wider Criminal Justice System.

Public interest factor against disclosure

- The disclosure of any information relating to court proceedings against the CPS may prejudice the effectiveness of the CPS' ability to have a fair trial undermining the administration of justice. More widely, such disclosure may prejudice the administration of justice and should be exempt under section 31(1)(c).

On balance, I consider the public interest overwhelmingly favours maintaining the exemption.

Section 32(1)(a)(b) & (c) – Information held only by virtue of being contained in any document filed with, or otherwise placed in the custody of, a court for the purposes of proceedings

Some information held, is exempt from disclosure under section 32(1)(a)(b) and/or (c). This is an absolute exemption and does not require a public interest test.

Section 40(2) – Personal data relating to third parties

The information you have requested contains personal data. Personal data can only be released if to do so would not contravene any of the data protection principles as outlined in Data Protection Act 2018 and set out by Article 5 of the General Data Protection Regulation (GDPR)

Personal data shall be processed lawfully, fairly and in a transparent manner

We believe releasing the requested information into the public domain would be unfair to the individuals concerned; these individuals have a clear and strong expectation that their personal data will be held in confidence and not disclosed to the public under the FOI Act.

Section 41 – Information provided in confidence

The information requested has been provided in confidence. We are satisfied that disclosure of this information requested would constitute an actionable breach of confidence.

A duty of confidence should not be overridden lightly. Public authorities are required to weigh up the public interest in disclosure against both the wider public interest in preserving the principle of confidentiality and the impact that disclosure would have on the interests of the confider.

We consider that whilst there is a strong public interest in openness and transparency there is a greater public interest against disclosure for the following reasons:

- There is a profound public interest in maintaining the principle of confidentiality. Disclosure of confidential information would undermine the principle and discourage other agencies from confiding in public authorities if they did not have a degree of certainty that such confidences would be respected.
- There is a public interest in maintaining trust and preserving a free flow of information to a public authority where this is necessary for the public authority to perform its statutory functions.
- Disclosure of an individual's private information is an infringement of their privacy and there is a public interest in protecting the privacy of individuals.