



Ref: 9109

## Section 17 Notice under the Freedom of Information Act 2000

### WITHHOLDING INFORMATION

#### Section 21 states Information accessible to applicant by other means.

(1) Information which is reasonably accessible to the applicant otherwise than under section 21 is exempt information.

(2) For the purposes of subsection (1)—

(a) Information may be reasonably accessible to the applicant even though it is accessible only on payment, and

(b) Information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.

(3) For the purposes of subsection (1), information which is held by a public authority and does not fall within subsection (2) (b) is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information is made available in accordance with the authority's publication scheme and any payment required is specified in, or determined in accordance with, the scheme.

Section 21 is an absolute exemption which means there is no requirement to carry out a public interest test if the requested information is exempt.

#### 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



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 data you have requested will be published on the CPS website; we are not obligated to provide you with this prior to publication.

The timetable for publication allows for the review and validation of the figures/information 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.