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29th October 2021

MoJ Case Reference: ICO appeal (FOIA) **210630018**

ICO Case Reference: **IC-73074-K3K0**

Dear Mrs Hallett

### **Outcome of MoJ considerations regarding Operational Assessment, IC-73074-K3K0**

Further to our previous correspondence dated 20 August 2021, regarding your complaint to the Information Commissioner's Office (ICO), in relation to your Freedom of Information (FOIA) request with the case reference 200805015, and the Internal Review (IR) with case reference 200925018.

Following notification of the ICO complaint, the MoJ carried out a further review of the following FOIA request.

***Therefore, we would like to request a copy of the said 'Operational Assessment' that was used to recommend introducing men convicted of sexual offences to HMP Hollesley Bay.***

Your request has been handled under the FOIA.

I can confirm the MoJ holds the information requested (Operational Assessment (OA)).

In the MoJ's previous response 20 August 2021, you were informed that we identified an additional exemption section 31(1)(f) of the FOIA, applies to some of the data requested. This exemption relates to the security and good order in prisons, or other institutions, where persons are lawfully detained. You were advised that disclosing the information included in the 'Operational Assessment', could result in compromises in prison security.

Following a further exhaustive review of the information, on the exemptions applied, I can now confirm that the MoJ will only be engaging exemption 31(1)(f) of the FOIA, to some of the information requested, (Operational Assessment).

As stated in the previous correspondence (dated 20 Aug 2021), Section 31(1)(f) is a qualified exemption which means that the decision to disclose the requested material is subject to the public interest test. Therefore, when assessing whether it was in the public interest to disclose the remaining withheld information to you, MoJ considered the following factors:

### **Public interest considerations favouring disclosure**

- Disclosing all the information in the 'Operational Assessment' would provide more transparency on operations in prisons to the public.

### **Public interest considerations favouring withholding the information**

- The reason why it is not in the public interest to release the remaining withheld sensitive information contained in the 'Operational Assessment', is due to the prejudice on security and good order that could result from any such release of that specific information. MoJ has made disclosure where it is reasonably possible without causing any prejudice to security. The redacted OA that is being disclosed with this reply, we believe, sufficiently meets any need for transparency. The remaining withheld information in the 'Operational Assessment' states several things that relate directly to prison security and good order. Disclosure of the remaining information would reveal details of the prison estate, which could assist individuals to exploit, or circumvent prison safeguards and procedures. Disclosure of this specific type of information could result in planned misbehaviour and breaching of prison discipline. This could put prisoners and staff at risk.
- FOIA is disclosure to the whole world and not just a specific requester. There is a strong public interest not releasing the remaining withheld information in the 'Operational Assessment' to everyone because it could disclose any potential weaknesses in the prison estate. Disclosure would detrimentally affect the effectiveness and usefulness of assessments of ongoing security threats to the workings of the prison estate.
- Therefore, release of the withheld information may undermine the safe management of prisoners and security in prison, which could present a very real and extremely significant risk to the safety of the public, and potentially impact on national security.

On balance, I consider the public interest still favours withholding the remaining sensitive information, which we have not disclosed, at this time. However, MoJ are content to provide you with a redacted version of the requested information, (attached).

### **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

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

**Prison Supply Directorate**

**Ministry of Justice**