



Disclosure Team  
Ministry of Justice  
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SW1H 9AJ

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2 May 2019

Dear Ms Hallett,

**Freedom of Information Act (FOIA) Request – 190415037**

Thank you for your request dated 15 April in which you asked for the following information from the Ministry of Justice (MoJ):

You refer to a previous enquiry, ref 181004033 which was handled by way of a non-disclosure. You state,

**At the end of 2018 I was instructed by HPC to write to the Prisons Minister, Rory Stewart OBE, MP seeking clarification over whether, or not, a decision had actually been made to house sex offenders at HMP & YOI Hollesley Bay.**

**In response to this HPC received a letter sent on behalf of the minister, from Ms Stacey Tasker OBE, dated 22 January 2019.... In her letter Ms Tasker states that, "Our position remains that we are planning to hold category D men convicted of sexual offences at Hollesley Bay". She goes on to say, "we are confident that we will be proceeding at Hollesley Bay with this cohort change and Jeff and his team are currently working on detailed implementation plans".**

**Having considered Ms Tasker's response and the ICOs guidance, Hollesley Parish Council are of the view that it is clear that a decision has now been made to house sex offenders at Hollesley Bay and plans are being made to implement that decision.**

**As such, the exemption relied upon to withhold the information requested by HPC on 26th September 2018 is no longer valid. HPC have therefore instructed me to ask again for the information previously requested i.e. Copies of any document you hold (to include any format such as email, memo, handwritten or printed documents) that relate to the decision to house sex offenders at HMP & YOI Hollesley Bay in Suffolk.**

Your request has been handled under the FOIA.

I can confirm the MoJ holds all of the information that you have requested.

All of the information is exempt from disclosure under section 35 (1) (a) of the FOIA, because it relates to the development of government policy.

Section 35 (1) (a) is a qualified exemption which means that the decision to disclose the requested material is subject to the public interest test. When assessing whether or not it was in the public interest to disclose the information to you, we took into account the following factors:

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

- There is a general public interest in openness and in knowing what informs decisions, and knowing these decisions have been taken fairly. It is arguable disclosure of the information may lead to a greater understanding of the decision-making process and providing this information would be consistent with the Government's commitment to transparency. Fostering an ethos of transparency in public services
- Providing this information would reassure the public that departmental work is attended to appropriately.
- It would ensure that key stakeholders are kept informed about developments in their local area.

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

- Although this position has been publicly stated, it nonetheless does not alter the exemption in terms of releasing any documents and correspondence relating to the formulation of this policy. Such documentation will relate to current prison service operations, as well as future plans, that can still not be disclosed at this stage.
- There is a public interest in maintaining a neutral forum while such deliberations take place, and once they have been taken, in order to protect the ability for officials to have free and frank discussions to enable them to make well-informed decisions. Disclosing information could have a detrimental impact on how the policy options are discussed and explored.
- Sharing views internally between departmental officials is important to ensure that all relevant considerations are taken into account when formulating and developing policy. This is a process that requires a neutral forum for options to be considered, pursued or rejected without prejudicing any final decision to be taken.
- Disclosure may cause unhelpful debate based on an incomplete picture of the policy. Release of information out of context from the proposals may also lead to a misunderstanding of the nature of these and any future changes. There is a danger disclosure of the data may lead to expectations based on isolated comments.

On balance, we consider the public interest favours withholding the information at this time.

### **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, MoJ, 10.14, 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

Lee Bateman

Prison Estates Transformation Portfolio