



Ministry  
of Justice

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Ministry of Justice  
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Received 21/6/19  
May 2019

Dear Ms Hallett,

**Freedom of Information Act (FOIA) Outcome of Internal Review – 190523002**

Thank you for your Internal Review request dated 23 May 2019 regarding FOI request 190415037 in which you asked for the following information from the Ministry of Justice (MoJ):

**...[you previously sought] clarification over whether, or not, a decision had actually been made to house sex offenders at HMP & YOI Hollesley Bay.**

**...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 26<sup>th</sup> September 2018 is no longer valid.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.**

The purpose of an Internal Review is to assess how your FOI request was handled in the first instance and to determine whether the original decision given to you was correct. This is an independent review; I was not involved in the original decision.

The response to your original request confirmed the information requested is held by the MoJ, however your request was refused under section 35(1)(a) because it relates to the development of government policy. This exemption is a qualified exemption meaning that the decision to disclose the requested material is subject to the public interest test (PIT).

**Statutory deadline**

The statutory deadline for your request was 16 May and the response was provided on 2 May. The response was therefore compliant with the requirements of the FOIA.

## **Outcome**

As you have stated, the decision to accommodate men convicted of sexual offences at Hollesley Bay has actually been made and further plans are being developed to implement that decision. You are requesting the information relating to that decision-making process.

Having considered your request, I have concluded that the decision to withhold the relevant documents/correspondence regarding the formulation of that policy decision was correct. As the policy decision has yet to be implemented, the disclosure of the decision-making process could impact the successful implementation of that decision. The implementation issues also relate to the policy formulation issues because considering the risks and realities of implementation are an important factor when assessing the policy options. The implementation and formulation of policy are inextricably linked in this instance, which is why section 35 still applies.

Additionally, the decision to withhold is to ensure the integrity of the formulation and development of previous and future policies and plans within MoJ and across government. Disclosure of the information regarding the decision to accommodate men convicted of sexual offences at Hollesley Bay could damage the integrity of the government's policy making processes.

In conclusion I am satisfied that the response you received on 2 May 2019 was correct. I am aware that you and Parish Council members met with the then Prisons Minister, Rory Stewart MP, in November last year to discuss your concerns regarding the decision and plans to hold men convicted of sexual offences (MCOSOs) at HMP Hollesley Bay. At this stage we have nothing further to update you on since that meeting but will ensure that you are informed of any progress when possible. I have attached the letter the then Prisons Minister sent to Thérèse Coffey MP following the meeting I refer to above for information. To discuss the matter further, please contact [PETPEenquiries@digital.justice.gov.uk](mailto:PETPEenquiries@digital.justice.gov.uk).

## **Appeal Rights**

If you are not satisfied with this response you have the right to apply to the Information Commissioner's Office (ICO). The Commissioner is an independent regulator who has the power to direct us to respond to your request differently, if she considers that we have handled it incorrectly.

You can contact the ICO at the following address:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

<https://ico.org.uk/Global/contact-us>

Yours sincerely

Jade Rozario  
Prison Estate Transformation Programme  
HM Prison and Probation Service