

29 October 2018

Dear Mrs Hallett,

Freedom of Information Act (FOIA) Requests – 181004033

Thank you for your request received 2 October in which you asked for the following information from the Ministry of Justice (MoJ):

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 that the MoJ holds the information you have requested but it is exempt from disclosure under section 35(1)(a), of the FOIA, the formulation or development of government policy.

Section 35 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

- It is important the Civil Service acts transparently, making government more accountable to the public and increasing trust.
- There is a public interest in promoting the transparency of public affairs and being able to demonstrate that government departments are acting in the interests of the taxpayer at large.
- The information requested might deepen public understanding and so lead to more informed consideration of how government manages its assets to obtain best value for the taxpayer.
- The modernisation of the prison estate in England and Wales is of current interest to parliamentarians, to trade unions and to the wider public.

Public interest considerations favouring withholding the information

- Ministers and officials should have a neutral forum in which to consider the development of policy, policy options and related operational decisions. This allows for free and frank exchange of policy options and their merits.

- It is in the public interest that the Department is able to continue to plan for and formulate Government policy dependant on the outcomes of existing policy.
- Disclosure of the internal documents relating to the decision to change the population make-up/function of the prison could potentially limit the scope of policy proposals by officials and ministers thus affecting the range of opportunities to explore new ways of doing things.

On balance, I 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.gsi.gov.uk

Disclosure Team, Ministry of Justice, 10.38, 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

Patrick Gorman
Prison Estate Transformation Programme
Her Majesty's Prison and Probation Service