

[REDACTED]

FOI 32/25-26

23 May 2025

[REDACTED]

I refer to your email dated 23 April 2025 in which you asked for information in relation to non-conviction outcomes. Your request has been dealt with under the terms of the Freedom of Information Act 2000.

Freedom of Information Act 2000

The Freedom of Information Act creates rights of access for any person making a request for information to a public authority. The rights of access are twofold. First, to be informed by the public authority if it holds information of the description specified in the request, and if that is the case, secondly, to be provided with that information. These rights are subject to important limitations, which are designed to achieve a proper balance between the right to know and considerations of law and policy in the broader public interest.

You had asked the following:

“A monthly breakdown of all the cases that had non-conviction outcomes due to evidence not being available - broken by type of crime (e.g. theft, assault, fraud, murder, etc) from September 2022 until now (or as up to date as possible). Can I also get a comparator table of all completed prosecutions in those months?”

For background - In England and Wales a case with a non-conviction outcome due to missing evidence is labelled as an E72. I am asking for the PPSNI equivalent”.

In response, please be advised that there is no equivalent to the CPS E72 on the PPS Case Management System (CMS) that would flag outcomes in cases where evidence was missing. Therefore, to answer your request accurately would require a manual search of all cases and would easily exceed the cost limit as defined in Section 12 of the Act which makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit; for the PPS as a Government Department the limit is set at £600. This represents the estimated

cost of one person spending 3.5 working days in determining whether the department holds the information, locating, retrieving and extracting the information.

We can, however, provide you with a monthly breakdown of: i) non-conviction outcomes (i.e., acquitted and 'other' separately), ii) convictions, and iii) all outcomes both in the Magistrates' / Youth Courts and Crown Court, by primary offence category between 1 September 2022 and 31 March 2023 – please see attached Excel spreadsheets.

Please note we cannot provide outcomes data for the period from 1 April 2024 to 31 March 2025 as this information will be included in our annual Statistical Bulletin for 2024/25 which is due for release at the end of June. Therefore, in terms of the Freedom of Information Act 2000, the exemption in Section 22 (Information intended for future publication) applies to some of the information you have requested.

Section 22 is a qualified exemption and requires a public interest test. Details of the exemption are outlined at **Annex A**.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review in accordance with our review procedure. You should do this as soon as possible or in any case within two months of the date of this response and you can do so by writing to the Head of Policy and Information, Public Prosecution Service, Belfast Chambers, 93 Chichester Street, BELFAST, BT1 3JR or alternatively by sending an e-mail to info@ppsni.gov.uk. You should state clearly the grounds on which you are requesting the review.

Alternatively, you may wish to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

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

Yours sincerely,

Information Management Team
Public Prosecution Service

Annex A

Section 22 – Information Intended for Future Publication

Considerations in favour of disclosure:

- To show compliance with the FOI Act by disclosing information held by the PPS;
- The public has a right to know the information; and
- There is a general public interest in the accountability, openness and transparency of government, and to promote public understanding.

Considerations in favour of maintaining the exemption:

- The information is intended for publication at an appropriate date in line with the Code of Practice for Statistics;
- The timetable for publication allows for the review and validation of the figures/information and to release ahead of schedule may compromise the accuracy and completeness of the data and supporting information;
- The information once approved will be available to the public in full through the PPS website; and
- To release the information prior to publication may result in duplication of effort and impact on departmental resources.

On balance, the PPS does not consider that it would be in the public interest to disclose the information requested ahead of schedule.