

10/06/2024

REFERENCE: FOI\24\60

Dear Sir,

Thank you for your request for information dated 14th May 2024 and detailed below.

- *I would like to know the average cost per offender per annum (pro rata) in Northern Ireland who is subjected to electronic monitoring?*

The Freedom of Information Act 2000 gives you two rights of access when you write to us asking for information. You have the right to know whether we hold the information that you are looking for, and you have the right to have the information given to you. These rights may only be overridden if the information you are looking for is covered by an exemption in the Act.

Some of the information requested is covered by the exemption. The Department in an effort to be helpful have provided the following.

In the financial year 2023/2024, The Department of Justice allocated £1.65M to fund provision of the Electronic Monitoring (EM) service. The EM provider confirmed initial installation of equipment for 1,267 people in the same period.

It is important to note that the time spent 'on tag' can vary between subjects, and additionally a person may have their curfew conditions varied, or the equipment installed at alternative addresses during their period of monitoring which may incur additional cost to the Department.

Some of the information you have requested is covered by the following section of the Freedom of Information Act:

Section 43 (1)(2): Commercial Interests

Qualified Exemption

The exemption provisions of section 43(1) & (2) confers a qualified exemption to our duty under section 1 (1)(b) of the Act – to release the information requested. Information covered by qualified exemptions can only be withheld where the public interest falls in favour of applying the exemptions. Details of our Public Interest Test considerations in respect of section 43 are set out in Annex A to this letter. The DoJ has decided that, on balance, the public interest in withholding the information for some documents outweighs those considerations favouring the release of that information.

If you are unhappy with the result of your request for information you may request an internal review within two calendar months of the date of this letter. If you request an internal review please do so in writing stating the reasons to the address above.

If following an internal review you were to remain dissatisfied you may make a complaint to the Information Commissioner and ask the Commissioner to investigate whether the DOJ has complied with the terms of the FOIA. You can write to the Information Commissioner at:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

The Commissioner will not investigate a complaint unless an internal review procedure has been carried out.

Further details on the role of the Information Commissioner and the handling of appeals can be found at: www.informationcommissioner.gov.uk

Yours sincerely

Records & Information Manager

Annex A

Section 43 – Commercial Interests Public Interest Test

Considerations in favour of our disclosing information

There is general public interest in the disclosure of information. There is also public interest in ensuring proper management of public funds.

Considerations against our disclosing information

Release of the information would be likely to prejudice the commercial interests of the contractor. Specifically, release of a figure could give an advantage to competitors by giving an indication of the contractor's pricing for this type of activity. Release of the figure could also cause reputational damage, given that it is presented without context, which context could not be provided without disclosure of further commercially sensitive information. There is a clear public interest in ensuring the Department does not prejudice the interests of its contractors and in turn ensuring the Department can maintain a good working relationship with its contractors and deal effectively with contractors in future.

Release of the information would be likely to prejudice the commercial interests of the Department by disclosing the approximate pricing of a current contractor. This may put

the Department at a disadvantage in future contract negotiation. There is a clear public interest in ensuring the proper and efficient use of public funds.

Conclusion

On balance the public interest is weighed in favour of non-disclosure. There is no significant public interest in disclosure of the figure, over and above the general public interest in the release of information. There is, however, a clear public interest in avoiding likely prejudice to the commercial interests of the contractor and the Department as outlined above.