

Our Ref: HQ17152

27 December 2017

Dear

Thank you for your request for review of the FOI response issued to you on 23 November 2017. The request for review was received on 27 November 2017. This gives a statutory deadline for responding by 28 November 2017. For reference, I have copied your request for review below.

- *'All people organizations have a duty of care of all prisoners or people you hold and so do hospitals for eg. you need to know this as an organization or point me in the direction of who does as not to know is not a answer'.*

I have now completed my review of our response to your request under the Freedom of Information (Scotland) Act 2002 (FOISA). I have concluded that the original decision should be substituted. Please let me explain why this is the case.

The Scottish Prison Service does not hold the information you request in our Prison Records Database (PR2) or any other central register. In order to ascertain whether the authority does hold this information, a manual search and review of every prisoner record for the past 3 years would have to be carried out to allow us to identify whether or not the information you request was contained within the prisoner file.

We do endeavour to provide information whenever possible. However, in this instance the costs of locating, retrieving and providing the information requested would exceed the upper cost limit of £600. As I explained, if the Authority does indeed hold any information, it is not recorded in a format that can be extracted via our Prisoner Records System (PR2), therefore would require an individual to research individual files to provide this information.

The SPS currently has around 7500 people in our care. Calculated at an individual reviewing 15 prisoner files per hour at a cost of £15 per hour provides a total of £7500.00 for one year alone. Under section 12 of FOISA public authorities are not required to comply with a request for information if the authority estimates that the cost of complying would exceed the upper cost limit, which is currently set at £600 by Regulations made under section 12.

If you are unhappy with the outcome of this review you have the right to appeal to the Scottish Information Commissioner about our decision within 6 months of receiving this letter. You can contact the Commissioner at:

The Scottish Information Commissioner
Kinburn Castle
Doubledykes Road

St Andrews
Fife
KY16 9DS
E-mail: enquiries@itspublicknowledge.info
Telephone: 01334 464610

Should you then wish to appeal against the Commissioner's decision, there is a right of appeal to the Court of Session on a point of law only.

Yours sincerely

Scottish Prison Service