

22 November 2017

Dear [REDACTED]

**FREEDOM OF INFORMATION REQUEST (HQ 17153)**

Thank you for your request dated 26 & 27 October 2017 under the Freedom of Information (Scotland) Act 2002 (FOISA) for:

“Information on the transgender population in Scottish Prison and specifically the following questions,”

1. *How many transgender prisoners are there in Scotland and have been in recent years?*

There are currently 18 transgender prisoners, 8 in 2016 and 6 in 2015.

2. *How many have requested a transfer to prison which reflect their new identity?*

12 have requested a transfer to prison which reflect their new identity

3. *How many have been successful and which facility have they been transferred to?*

Given that there have been less than 5 prisoners transferred we are unable to confirm which establishments they have been transferred to, due to the constraints of the Data Protection Act 1998.

4. *Were any successful applicants sex offenders?*

No

5. *Can you confirm that no medical certificate or paperwork is required if someone self identifies as a gender they weren't born and wants to transfer from a men's to woman's*

*facility. What safeguards are in place to ensure someone named as male on their birth cert who now identified as a woman does not pose a serious risk to women in the event of transfer to a women's facility?*

No medical certificate is required. A risk assessment is carried out and case management would decide on any actions required, based on the identified risks.

6. *Do you have concerns that some prisoners named as male on their birth certs might be self-identifying as woman and seeking transfer to a women's facility in pursuit of an easier life?*

This information is not held. FOSIA allows a request for information which is held by the authority.

7. *Have there been any incidents of transgender prisoners who have transferred to woman's prison facilities going on to commit violence against female inmates?*

This information is not held by SPS as this is a matter for the Procurator Fiscal.

8. *Any plans to review policies in this area to address any concerns that male sex offenders and other serious criminals can look forward to an easier life in prison if they start to self-identify as women.*

The SPS Equality Outcomes (5) published earlier this year, gave a commitment to review our policy on managing transgender prisoners in line with legislative changes.

If you are unhappy with this response to your request, you may ask us to carry out an internal review, by writing to The Chief Executive, Calton House, 5 Redheughs Rigg, Edinburgh, EH12 9HW. Your request should explain why you wish a review to be carried out, and should be made within 40 working days of receipt of this letter, and we will reply within 20 working days of receipt. If you are not satisfied with the result of the review, you then have the right to make a formal complaint to the Scottish Information Commissioner.

Yours sincerely

Head of Corporate Affairs