

Our Ref: HQ 19069

26 July 2019

Dear,

FREEDOM OF INFORMATION REQUEST

Thank you for your recent freedom of information request, which was received on 12 July 2019. This gives a statutory deadline for responding of 12 August 2019 under the terms of the Freedom of Information (Scotland) Act 2002.

You asked the following, and for ease of reference I have copied your original request for information (RFI) as follows.

Request for Information

RFI 1 In relation to the number of prisoner escape attempts - both successful and unsuccessful - from January 2014 to date could you please provide:

- The number of attempted escapes, which prison this was from and the date.
- The number of successful escape attempts, which prison this was from and the date.
- Any documents outlining procedure for SPS staff in relation to prison escapes.
- Any correspondence which discusses prisoner's attempted or successful escape, and how this has impacted policy or procedure

In response to **RFIs 1 & 2**; having completed our search of all electronic and paper records held by the SPS I can confirm that under section 25(1) of FOISA, we are not required to provide information in response to a request if it is already reasonably accessible to you. The information you requested is available from the SPS published Annual Reports. They can be accessed via our website by following the link below and under the subject heading 'performance reports';

<http://www.sps.gov.uk/Corporate/Publications/Publications.aspx>

Although our most recent report from FY 2018/19 is yet to be published I can confirm the figure is NIL, and for FY 2019/20 to date again, the figure is NIL. On each occasion the escape was from a hospital escort and not from the prison itself. To further clarify, for attempted escapes the figure is NIL.

In response to **RFIs 3 & 4**; we do endeavour to provide information whenever possible. However, in this instance an exemption under section s.35 (1) (f) of FOISA applies to all the information requested - the maintenance of security and good order

in prisons. As this exemption is not absolute we have applied the 'public interest test'. This means we have, in all the circumstances of this case, considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. It should be noted that the test considers what is in the public interest not what is of interest to the public. Arguments in favour of disclosure are general interest in the operation of our prisons. However, it can also be argued that disclosure could provide information that could jeopardise the safety of the public whilst prisoners are on escorts external to the prison. This would represent a considerable risk to individuals and the security and good order of prisons which would not serve the public interest. Following careful consideration the authority considers that, on balance, the public interest lies in favour of applying the exemption and refusing disclosure.

If you are dissatisfied with this response, you have the right to request a review. Your request should be made within 40 working days of the date of receipt of this letter and we will reply within 20 working days of receiving your request. Under section 20(3) (c) (ii) of the Act your request should outline your reason for seeking a review. If our decision is unchanged following a review and you remain unsatisfied with this, you then have the right to make a formal complaint to the Scottish Information Commissioner.

If you require a review of our decision to be carried out, please write to Colin McConnell, Chief Executive, Scottish Prison Service, Calton House, Redheughs Rigg, Edinburgh EH12 9HW. The review will be undertaken by staff not involved in the original decision making process.

I trust this information is helpful.

Yours sincerely