

- ii. Please indicate whether the concern was raised to a line manager or nominated officer (an individual tasked to receive whistleblowing concerns as identified in the Civil Service Code).
- iii. Please provide a brief summary of the types of concerns raised.
- iv. Please indicate whether or not the matter complained of was subsequently referred to the Civil Service Commission or a regulatory or enforcement organisation.
- v. Please identify (if appropriate) whether any subsequent action was taken.

A2. The following information is provided in response to question 2:

- i. The concern was raised on an anonymous basis.
- ii. The concern was raised to a nominated officer.
- iii. The concern related to an alleged breach in the application of the principles for the acceptance of Gifts and Hospitality.
- iv. The matter was not referred to the Civil Service Commission or a regulatory enforcement organisation.
- v. The matter was investigated through the Scottish Prison Service Code of Conduct process. The outcome of the process was that there was no case to answer.

Disclosure of Official Information without Authority

Q3. If instances of disclosures of official information without authorisation (commonly referred to as 'leaking' i.e. to a journalist or other any other individual outside of the organisation who should have access to the information in question) are recorded by your organisation, please disclose the number of instances of unauthorised disclosure between the dates: 01/01/2010 to 31/12/2014.

A3. Records indicate that there was one instance which would constitute a disclosure of official information during the reference period.

Q4. Please disclose the number of inquiries conducted into disclosures of official information without authority between the dates: 01/01/2010 to 31/12/2014.

A4. There was one enquiry conducted during the reference period.

Q5. Please disclose any policy guidance/ guidelines for the handling of instances of unauthorised disclosures

A5. Instances of unauthorised disclosure are investigated through the Scottish Prison Service Code of Conduct process.

Q6. If possible, please identify the number of employees in your organisation who have been subject to disciplinary action or dismissal for the disclosure of official information without authority.

A6. Records indicate that there were <5 employees who were subject to disciplinary action or dismissal for the disclosure of official information without authority.

Confidentiality agreements

Q7. Please identify whether or not individuals working for your organisation are required to sign a confidentiality agreement. If so, please disclose a blank copy of this agreement.

A7. Scottish Prison Service employees are not required to sign a confidentiality agreement however the attached Confidentiality and Official Information document is available to all employees.

Official Secrets Acts

Q8. Please identify whether or not individuals working for your organisation are required to sign the Official Secrets Act(s). If, so please disclose a blank copy of this agreement.

A8. Scottish Prison Service employees are no longer required to sign the Official Secrets Act however the following information on Use of Official Information and the Official Secrets Act is provided to employees:

Use of Official Information

You are reminded that after leaving the Scottish Prison Service you continue to be bound by the provisions of the criminal law which protect certain categories of official information, including the Officials Secrets Act, and by your duty to confidentiality owed to the Crown, as your former employer.

Official Secrets Act

You will be subject to the terms and conditions of the Official Secrets Act during your employment. In addition, for a period not exceeding 2 years from the date of termination of your employment, you shall be restricted, without written authority, signed by an Authorised

Officer of the Scottish Prison Service, from disclosing or making use of any information in your knowledge or possession relating to the Scottish Prison Service. Please refer to the Official Secrets Act Guidance, available from the staff intranet.

Authorisation to disclose official information

Q9. If your organisation has policy guidance/ procedures for individuals (in particular employees or former employees of your organisation) to seek authorisation to disclose official documents (as indicated by s.7 Official Secrets Act 1989) please disclose this.

A9. Please see responses to questions 7 and 8 above.

If you are dissatisfied with any aspect of the way in which we have handled your request, 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 you remain unsatisfied following an internal review, you then have the right to make a formal complaint to the Scottish Information Commissioner.

If you require a review to be carried out, please write to Colin McConnell, Chief Executive, Scottish Prison Service, Calton House, 5 Redheughs Rigg, Edinburgh, EH12 9HW. The review will be undertaken by staff not involved in the original decision making process.

I hope that this information is helpful.

Yours sincerely

HR Project Activities Lead