

Our Ref: FOI HQ15251

[REDACTED]

Dear [REDACTED]

02/02/2016

Thank you for your request received 7 January 2016 under the Freedom of Information (Scotland) Act 2002 (FOISA) for:

1. Please state the overall number of (i) transgender and (ii) transsexual individuals who have served / are serving a sentence in a prison in Scotland since 11 November 2011?
2. Please state the total number of (i) transgender and (ii) transsexual prisoners in Scotland on each of the following dates: a) 11 Nov 2011 b) 11 Nov 2012 c) 11 Nov 2013, d) 11 Nov 2014, e) 11 Nov 2015?
3. Please break down question 1 by number of (i) transgender and (ii) transsexual prisoners who were placed in a prison according to their (a) legally recognised gender or (b) self-defined gender?
4. Since 11 November, how many (i) transgender and (ii) transsexual prisoners in Scotland requested to transfer to the prison estate of their self-defined gender, after having been placed in a prison according to their legally recognised gender
5. Of those in question 4 i) and ii) how many transfers were permitted?

We have now completed our search for information, please find response below.

1. The SPS have held 8 transgender people in custody between August 2013 and January 2016. Information prior to August 2013 on transgender people in custody has not been recorded on our prisoner record system, it may however have been recorded in an individual's file. To locate, retrieve and provide the information requested would therefore take a considerable length of time as this would involve searching each file. 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.
2. Information prior to August 2013 is exempt under Section 12 of FOISA as stated above. Data for the specific dates requested are as below.
 11 Nov 2013: 8
 11 Nov 2014: 6
 11 Nov 2015: 5
3. Information prior to August 2013 is exempt under Section 12 of FOISA as stated above. Data held since August 2013 is listed below.

Year	Total	Legally recognised gender (As Sated on Birth Cert)	Self-Defined Gender (Social Gender)
2013	8	1	7
2014	6	2	4
2015	5	3	2

4. Information prior to August 2013 is exempt under Section 12 of FOISA as stated above. Since August 2013 SPS has received 4 requests for transfer from Transgender prisoners.
5. 3 out of the 4 transfer requests since August 2013 were granted.

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 the Chief Executive, Scottish Prison Service, Room G20, Calton House, Redheughs Rigg, Edinburgh. The review will be undertaken by staff not involved in the original decision-making process.

I hope that this information is helpful.

Yours sincerely

Head of Corporate Affairs