

20 April 2016

Our Ref FOI 15311

Dear [REDACTED]

Thank you for your request dated 23 March under the Freedom of Information (Scotland) Act 2002 (FOISA) for:

1. *The number of prisoners who have experienced detention in error for each of the years 2010, 2011, 2012, 2013, 2014 and 2015.*
2. *The total amount of compensation paid to those prisoners and for each relevant year.*
3. *Can you please outline what each of the prisoners detained in error were serving a prison sentence for (just a note of the most serious part of their sentence is adequate)?*
4. *Can you please outline in each case what the length of time added in error to and the reasons for the error was?*

We received your request on 23 March – this gives a statutory deadline of 20 April for responding under the terms of the Freedom of Information (Scotland) Act 2002. We have now completed our search for the information you request, please see the following.

1. The figures we have on record for detentions in error span our reporting year 1<sup>st</sup> April – 31<sup>st</sup> March each year. The figures for each of the last 6 reporting years are contained in table 1 below.

<b>Detentions in Error</b>	<b>2010/11</b>	<b>2011/12</b>	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>
Totals	15	25	19	18	19	23

Table 1

2. We do endeavour to provide information wherever possible. However in this instance the costs of locating, retrieving and providing the information requested would exceed the upper cost

limit of £600. We would have to manually interrogate every individual record and warrant (most records containing multiple warrants) for the six years. A search of individual records would therefore exceed the cost limit on this occasion. 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. However, we can provide details of the number of instances when compensation has been paid in regards to detentions in error and the amounts paid for the financial periods 2010/2011, 2011/2012, 2012/2013, 2013/2014 and 2014/2015. This information is attached at Annex A (table 2).

3. We do endeavour to provide information wherever possible. However in this instance the costs of locating, retrieving and providing the information requested would exceed the upper cost limit of £600. We would have to manually interrogate every individual record for the six years. A search of individual records would therefore exceed the cost limit on this occasion. 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.

4. We do endeavour to provide information wherever possible. However in this instance the costs of locating, retrieving and providing the information requested would exceed the upper cost limit of £600. We would have to manually interrogate every individual record for the six years. A search of individual records would therefore exceed the cost limit on this occasion. 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. However, we can advise that not all instances are the result of actions by the Scottish Prison Service. Those instances involving actions of the Scottish Prison Service tend to be as a results of an administrative error.

If you are unhappy with this response to your request, you may ask us to carry our 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 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

## Annex A

Incidence	Amount (£)
<b>2010/2011</b>	
1	£1,900
1	£600
<b>2011/2012</b>	
1	£500
1	£210
1	£1,500
1	£1,000
1	£240
1	£4,500
<b>2012/2013</b>	
1	£60
1	£60
1	£60
1	£60
1	£60
1	£60
1	£60
1	£60
1	£80
1	£83
1	£120
1	£120
1	£120
1	£180
1	£180
1	£300
1	£840
1	£184
1	£1,500
1	£60
1	£180
1	£60
1	£60
1	£60
1	£180
1	£840
1	£840
1	£3,360
1	£60
1	£420
1	£180
1	£240
1	£300
1	£180
1	£420

<b>Incidence</b>	<b>Amount (£)</b>
1	£60
1	£60
1	£60
1	£120
1	£180
1	£180
1	£840
1	£840
<b>2013/2014</b>	
1	£60
1	£60
1	£60
1	£60
1	£300
1	£350
1	£60
1	£180
1	£60
1	£1,680
1	£300
1	£1,600
<b>2014/2015</b>	
1	£180
1	£840
1	£60
1	£60
1	£360
1	£60
1	£60
1	£120
1	£180
1	£60

Table 2