



HEADQUARTERS
One Lochside
1 Lochside Avenue
Edinburgh
EH12 9DJ

Our Ref: HQ24126

13 September 2024

Dear

Thank you for your request dated 18th August 2024 under the Freedom of Information (Scotland) Act 2002 (FOI(S)A).

For reference, you requested:

RFI 1: From April 1, 2023 to the date of receipt of this request can you please tell me how many prisoners have been subject to Rule 95.

RFI 2: What were the reasons – eg in five cases it was because the prisoner was a risk to themselves, in six cases it was because they were threatening prison staff etc

RFI 3: How many transgender prisoners were subject to Rule 95

RFI 4: Please provide the same information for April 1 2022 to April 1 2023

RFI 5: Out of all of the occasions where the Rule was invoked since April 1 2022, what was the longest period where the prisoner was subject to the Rule (ie 6 days, 7 days)

We have now completed our search for the information you requested.

RFI 1 Response: Due to the limitations of the Scottish Prison Service (SPS) Prisoner Records system I can advise that we do not hold this information in a reportable format.

To be helpful, the information that can be provided is that there were 23,438 instances of the use of Rule 95 in the period requested. Please note, this figure will include individuals who have been placed on Rule 95 on more than one occasion.

RFI 2 Response: Removal from association is only used for the following purposes:

- (a) maintaining good order or discipline;
- (b) protecting the interests of any prisoner;
- (c) ensuring the safety of other persons.

RFI 3 Response: We do endeavour to provide information whenever possible and we do hold the information requested. However, in this instance an exemption under section 38(1)(b) (personal information) of FOI(S)A applies to the information requested. Personal data is exempt from disclosure if disclosure would contravene any of the data protection principles in Article 5(1) of the UK GDPR and in section 34(1) of the DPA 2018.

The Scottish Prison Service seeks to be as open and transparent as possible, while also upholding our statutory obligation to protect the personal information of those in our care. The information you have requested relates to a small group of individuals and providing the information requested could, together with other available information lead to their inadvertent identification.

We have improved the way in which we collate and present data on our transgender population and, following advice from information governance experts, will only provide information on the total number of transgender people in our care. This information is published on the SPS website and can be found at the link below:

[Public Information Page \(sps.gov.uk\)](https://sps.gov.uk)

RFI 4 Response: Due to the limitations of the Scottish Prison Service (SPS) Prisoner Records system I can advise that we do not hold this information in a reportable format.

To be helpful, the information that can be provided is that that there were 9,977 instances of the use of Rule 95 in the period requested. Please note, this figure will include individuals who have been placed on Rule 95 on more than one occasion.

RFI 5 Response: While we endeavour to provide information whenever possible, and we do hold the information that you have requested, in this instance the costs of locating, retrieving, and providing the information requested would exceed the upper cost limit set under section 12 of FOI(S)A. To clarify, to provide a response to your request for information in relation to the longest period a prisoner was subject to Rule 95 conditions would require a manual check of all 33,389 instances of the use of Rule 95 in the period requested which would exceed the upper cost limit of £600 set by FOI(S)A.

This concludes our response to your request.

If you are unhappy with this response to your request, you may ask us to conduct an internal review, by writing to The Chief Executive, One Lochside, 1 Lochside Avenue, Edinburgh, EH12 9DJ. Your request should explain why you wish a review to be conducted and should be made within forty working days of receipt of this letter, and we will reply within twenty 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

Freedom of Information Manager