



Ministry of JUSTICE

Data Access & Compliance
Unit
Ministry of Justice
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Ali McGinley

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Dear Ms. McGinley

Freedom of Information Act (FOIA) Request – 113036

Thank you for your email of 10 July 2017, in which you asked for the following information from the Ministry of Justice:

Please find attached a freedom of information request relating to immigration detainees held in UK prisons, in the last quarter of 2016, and in the second quarter of 2017.

I can confirm that the department holds all of the information that you have asked for (for prisons in England & Wales) and can be viewed in the attached table.

However, some of the information is exempt from disclosure under section 40(2) of the FOIA, because it contains personal data.

If a request is made for information and the total figure amounts to two people or fewer, the MoJ must consider whether this could lead to the identification of individuals and whether disclosure of this information would be in breach of our statutory obligations under the Data Protection Act 1998 (DPA). We believe that the release of some of this information would risk identification of the individuals concerned. For this reason, MoJ has chosen not to provide an exact figure where the true number falls between one and two. However, it should not be assumed that the actual figure represented falls at any particular point within this scale; 'Two or fewer' is used as a replacement value from which it would be difficult to isolate or extract any individual data.

Personal data can only be released if to do so would not contravene any of the data protection principles of the Data Protection Act 1998 (DPA). The first principle states:

Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless—

(a) at least one of the conditions in Schedule 2 is met, and

(b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.

We believe releasing the requested information into the public domain would be unlawful. Individuals have a clear and strong expectation that their personal data will be held in confidence and not disclosed to the public under the FOIA.

UNCLASSIFIED

Disclosure would therefore breach the first data protection principle as it would be unlawful. We do not have to consider schedules 2 and 3.

Further information on the data protection principles is available as follows:

<http://www.legislation.gov.uk/ukpga/1998/29/schedule/1>

<http://www.legislation.gov.uk/ukpga/1998/29/schedule/2>

<http://www.legislation.gov.uk/ukpga/1998/29/schedule/3>

This is an absolute exemption and does not require a public interest test.

Appeal Rights

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

data.access@justice.gsi.gov.uk

Data Access and Compliance Unit, Ministry of Justice, 10.38, 102 Petty France,
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Yours sincerely

Kunjai Amin
Justice Statistics Analytical Services