



Disclosure Team  
Ministry of Justice  
102 Petty France  
London  
SW1H 9AJ

**Ali McGinley**  
ali.mcginley@aviddetention.org.uk

data.access@justice.gov.uk

6 November 2019

Dear Ms McGinley

**Freedom of Information Act (FOIA) Request – 191007018**

Thank you for your request dated 7 October 2019 in which you asked for the following information from the Ministry of Justice (MoJ):

**I am seeking disclosure of the number of individuals detained under Immigration Act powers only in each of the prisons and young offender institutions (YOIs) in England and Wales, listing the total number for each prison and YOI individually, at the end of: July, August and September 2019.**

**I would be grateful if you could supply this information electronically to the email addresses, given below. I look forward to hearing from you promptly, as required by the legislation, and in any case within 20 working days.**

Your request has been handled under the FOIA.

I can confirm that the MoJ holds all of the information that you have requested and I have provided some of it in the attached Table 1, which shows individuals detained under Immigration Act powers only in HMPPS-operated establishments (excluding immigration removal centres), April to September 2019 (latest currently available), England and Wales.

However, some of the information you requested 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 General Data Protection Regulation and/or the Data Protection Act 2018. 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 set out in Article 5(1) of the General Data Protection Regulation and section 34(1) of the Data Protection Act 2018.

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.

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.gov.uk

Disclosure Team, Ministry of Justice, 10.25, 102 Petty France, London, SW1H 9AJ.

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

**Tristan McAlpine**  
**Enquiries Officer, Dissemination and Enquiries Team**