

26 September 2023

Case reference: IC-255169-V8H7

We are now in a position to respond to your information request received 31 August.

Request

In your letter dated 24 August, you made the following information request regarding the Scottish Prison Service (SPS).

"Since you have stated that you keep '... a record of all the complaints raised ... about the way organisations process personal information ...' to allow you to '... identify and target poor [sic] performing organisations ...' I invite you to provide me with all and any information held by the ICO in terms of your overall assessment of the performance of the SPS since 1 January 2020."

We have handled your request under the Freedom of Information Act 2000 (FOIA).

Our response

We do not hold information within scope of your request for our overall assessment of the performance of SPS since 1 January 2020. Below we have provided some information that you may find helpful in your area of interest.

Advice and assistance

As regulator of data protection legislation, members of the public can make a complaint to us if they have concerns about how their personal data has been handled by an organisation. These cases are referred to as data protection complaints.

We have provided details below of the data protection complaint cases we hold about SPS for the time period 1 January 2020 to 31 August 2023.

This table includes the decision outcome and decision legislation reason. The latter is the section of the legislation determined by the case officer to best represent the main focus of the complaint. We have included a leaflet on the case outcomes. 6 of the 40 cases are ongoing and do not have an outcome category entered onto the system. These show as 'Unassigned'.

| Case outcomes and decision legislation reason | Number |
|---|---------------|
| Informal action taken | 11 |
| Infringement | 7 |
| DP complaint resolved by org | 2 |
| Art 15 - Right of access | 1 |
| Art 5(1)(f) - Integrity and confidentiality principle | 1 |
| More work for org-contacted to raise awareness of ind complaint | 2 |
| Art 32 - Security of processing | 1 |
| Art 5(1)(f) - Integrity and confidentiality principle | 1 |
| More work for org - Failed to respond to ind complaint | 1 |
| Art 32 - Security of processing | 1 |
| More work for org - Unsatisfactory response to ind complaint | 2 |
| Art 15(3)(1) - Provide a copy of the personal data | 1 |
| Prt 3 - S45(3)(b) - Within one month | 1 |
| Potential infringement | 4 |
| More work for org - Failed to respond to ind complaint | 1 |
| Prt 3 - Ch3 - S45 - Right of Access | 1 |
| More work for org - Unsatisfactory response to ind complaint | 3 |
| Art 15(3)(1) - Provide a copy of the personal data | 1 |
| Art 5(1)(d) - Accuracy principle | 1 |
| Unassigned | 1 |
| Investigation pursued | 1 |
| No further action | 22 |
| No action | 14 |
| Insufficient information to proceed | 14 |
| Art 12(3)(1) - Within 1 month | 1 |
| Art 15(3)(1) - Provide a copy of the personal data | 3 |
| Art 15(4) - Rights and freedoms of others | 1 |
| Art 32 - Security of processing | 1 |
| Art 5 - Principles relating to processing of personal data | 1 |
| Art 5(1)(f) - Integrity and confidentiality principle | 3 |

| | |
|---|-----------|
| Prt 3 - Ch 2 - S40 - Security Principle | 1 |
| Prt 3 - Ch3 - S45 - Right of Access | 1 |
| Prt 3 - Ch3 - S47 - Right to erasure or restriction | 1 |
| Prt 4 - Ch2 - S91 - Security principle | 1 |
| No infringement | 8 |
| Good practice advice provided | 2 |
| Prt 3 - Ch3 - S45 - Right of Access | 1 |
| Prt 3 - Ch3 - S47 - Right to erasure or restriction | 1 |
| No action | 6 |
| Art 15(3)(1) - Provide a copy of the personal data | 2 |
| Art 16 - Right to rectification | 1 |
| Art 17 - Right to erasure | 1 |
| Art 17(1)(c) - Objection | 1 |
| Prt 3 - Ch 2 - S38 - Accuracy principle | 1 |
| Unassigned | 6 |
| Total | 40 |

We also hold 3 complaint cases about SPS under the category of Scottish Government.

| | |
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| No further action | 1 |
| No action | 1 |
| Insufficient information to proceed | 1 |
| Art 32 – Security of processing | 1 |
| Informal action taken | 2 |
| Potential infringement | 1 |
| More work for org - Failed to respond to ind complaint | 1 |
| Prt 3 – S45(1)(b) – Access to PD | 1 |
| Infringement | 1 |
| More work for org - Advice provided | 1 |
| Art 32 – Security of processing | 1 |
| Total | 3 |

We publish information about our completed complaints casework on our website at this link: <https://ico.org.uk/about-the-ico/our-information/complaints-and-concerns-data-sets/>

It is important to note that these concerns are looked at on a case by case basis and a decision is made in relation to an individual case. We do not make an overall assessment on the compliance of an organisation on an individual complaint case.

We can use the information provided to us on these individual complaints to inform a picture of compliance of an organisation and take further regulatory steps if necessary.

If we decide to take action against an organisation it will be published on our website at: <https://ico.org.uk/action-weve-taken/>

You may also be interested in the data protection audit we conducted with the Scottish Government, available online at: <https://ico.org.uk/action-weve-taken/audits-and-overview-reports/scottish-government/>

This concludes our response to your request. We hope you found this information helpful.

Next steps

You can ask us to review our response. Please let us know in writing if you want us to carry out a review. Please do so within 40 working days. Our review procedure can be found online at this link: <https://ico.org.uk/media/about-the-ico/policies-and-procedures/1883/ico-review-procedure.pdf>

If we perform a review but you are still dissatisfied, you can complain to the ICO as regulator of the FOIA. This complaint will be handled just like a complaint made to the ICO about any other public authority.

Your information

Our privacy notice online explains what we do with the personal data you provide to us, and sets out your rights.

Yours sincerely

ico.

Information Commissioner's Office

ico.

Information Commissioner's Office

Information Access Team
Risk and Governance Department, Corporate Strategy and
Planning Service
Information Commissioner's Office, Wycliffe House, Water
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