



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

data.access@justice.gsi.gov.uk

Harriet Ballance
harriet.ballance@aviddetention.org.uk

13 August 2018

Benjamin Hunter
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Dear Ms Ballance

Freedom of Information Act (FOIA) Request – 180716007

Thank you for your request dated 16 July 2018 in which you asked for the following information from the Ministry of Justice (MoJ):

Request for information under the Freedom of Information Act 2000

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: April 2018, May 2018 and June 2018.

I would be grateful if you could supply this information electronically via my email address, 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 the information you requested and I have provided some of it in the attached excel spreadsheet.

However, some figures in the table represented with the sign ‘*’ are exempt from disclosure under section 40(2) of the FOIA, because they are low figures and constitute 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. In this instance, we believe that the release of the figures represented with the sign ‘*’ would risk identification of the individual/s to whom it relates. For this reason, MoJ has chosen not to provide an exact figure where the true number falls between zero 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.gsi.gov.uk

Disclosure Team, Ministry of Justice, 10.38, 102 Petty France, London, SW1H 9AJ

You do have the right to ask the Information Commissioner Office's (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
Prison, Probation, Reoffending and PbR Statistics