

**Harriet Ballance**  
harriet.ballance@aviddetention.org.uk

data.access@justice.gov.uk

23 January 2019

Dear Ms Ballance,

**Freedom of Information Act (FOIA) Request - 181221014**

Thank you for your email, received on 21 December 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: July 2018, August 2018 and September 2018.**

Your email has been handled as a request under FOIA. I can confirm that the MoJ holds the information that you have requested and I have provided some of it in the attached table, which shows Individuals detained under Immigration Act powers only in Her Majesty's Prison and Probation Service (HMPPS) operated establishments (excluding the Immigration Removal Centre which is run by HMPPS on behalf of Home Office) for the period of July - September 2018 in England and Wales.

However, some of the information that you have 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.

Almost without exception, the immigration detainees held by HMPPS will be Foreign National Offenders who have completed their prison sentences and been assessed as posing too high a risk to be held in an Immigration Removal Centre or released into the community while Home Office Immigration Enforcement pursues deportation action.

As I am sure you are aware the government is absolutely committed to removing Foreign National Offenders from the UK and any foreign national who comes to our country and abuses our hospitality by breaking the law should be in no doubt of our determination to deport them. More than 45,000 Foreign National Offenders have been removed from the UK since 2010, with almost 6,000 removed in 2017/18, and we continue to work closely with international governments to increase the number of offenders removed.

### **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](mailto:data.access@justice.gov.uk)

Disclosure Team, Ministry of Justice, Floor 10.14, 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,

**Statistic Unit, Analytical Services,  
Ministry of Justice**