

26 April 2016

Dear [REDACTED],

## **FREEDOM OF INFORMATION REQUEST**

Thank you for your recent freedom of information request, which was received on 1 April 2016. This gives a statutory deadline for responding of 29 April 2016 under the terms of the Freedom of Information (Scotland) Act 2002.

You asked the following, and for ease of reference I have copied your original questions as follows.

1. Does the Scottish Prison Service own, or have access to, any virtual base transceiver station for identifying the International Mobile Subscriber Identity (IMSI) or a nearby GSM mobile phone and intercepting its calls? These devices are sometimes also known as IMSI catchers, or Stingrays
2. If the Scottish Prison Service does have access to these devices, how many does the Scottish Prison Service currently have access to? How much has been spent by the Scottish Prison Service on the purchase and maintenance of such devices in the last 24 months?
3. If the Scottish Prison Service does have access to these devices, please confirm the make and model number of the devices that are currently available for use.
4. If the Scottish Prison Service does have access to these devices, please confirm how many times the devices have been deployed in the last 24 months
5. If the Scottish Prison Service does have access to these devices, please provide a break-down of the types of operation they have been used to support in the last 24 months.
6. Please supply any internal policy or procedure documents that the Scottish Prison Service would apply to the deployment of these devices, even if none are currently available for use.

In response to **Questions 1, 2, 4 & 5**; having completed our search of all electronic and paper records held by the SPS I can confirm the following

1. The SPS own one fixed system permanently deployed 24/7 in one of our prisons. The sole purpose is to deny access to the public networks any handset operating within its range of coverage.
2. The SPS has not made any new purchases of devices within the last 24 months however has spent £32,827 ex VAT on maintenance and support for an existing system

In response to **Question 3 & 6**; we do endeavour to provide information whenever possible. However, in this instance an exemption under section s.35 (1)(f) of FOISA applies to the information requested. - The maintenance of security and good order in prisons. As this exemption is not absolute we have applied the 'public interest test'. This means we have, in all the circumstances of this case, considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. It should be noted that the test considers what is in the public interest not what is of interest to the public. Arguments in favour of disclosure are that public are aware of the exact specification of the equipment deployed, how it is deployed and, how it operates. However, it can also be argued that disclosure of such information could provide following research, details of the limitations of such installations & technology and the potential to deploy countermeasures to overcome the signal denial transmissions. This would represent a considerable risk to individuals and the security and good order of prisons which would not serve the public interest. Following careful consideration the authority considers that, on balance, the public interest lies in favour of applying the exemption and refusing disclosure. We can however direct you to the overall legislation governing the use and deployment of such devices in the United Kingdom, in the Prisons (Interference with Wireless Telegraphy) Bill October 2012. For completeness, we enclose a copy for your information.

We are sorry that our responses are in PDF form however this is the format we use in all our FOI communications. If you are dissatisfied with this response, you have the right to request a review. Your request should be made within 40 working days of the date of receipt of this letter and we will reply within 20 working days of receiving your request. Under section 20(3)(c)(ii) of the Act your request should outline your reason for seeking a review. If our decision is unchanged following a review and you remain unsatisfied with this, you then have the right to make a formal complaint to the Scottish Information Commissioner.

If you require a review of our decision to be carried out, please write to Colin McConnell, Chief Executive, Scottish Prison Service, Calton House, Redheughs Rigg, Edinburgh EH12 9HW. The review will be undertaken by staff not involved in the original decision making process.

I trust this information is helpful.

Yours sincerely

A handwritten signature in black ink, appearing to read 'MD', with a long horizontal flourish extending to the right.

Maurice Dickie  
Project Manager