

SPSO decision report

Case: 201300749, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: accuracy of prisoner record
Outcome: not upheld, no recommendations

Summary

Mr C, who is a prisoner, complained about aspects of a review of his supervision level, after he was involved in a fight at the prison. He previously had a low level of supervision but, following the fight, this was reviewed and increased to a high level. He complained that, as part of the review, a prison officer had inappropriately accessed his medical records and used information from them without his consent in the review of his supervision level. The prison had told him that medical records are the property of the NHS, not the Scottish Prison Service (SPS), and are kept by NHS staff in the prison healthcare centre, to which the prison officer would not have had access.

Our investigation noted this, and that there were various other ways in which the prison might have obtained the information used in the review, including the possibility that Mr C himself might have told the officer. As it was not possible for us to establish the facts about this, we found no grounds to uphold that part of his complaint.

In terms of this information being used, we noted that the review form specifically asked, amongst other things, for comments about the issue in question. That meant that such information was not regarded as confidential, and it followed from this that a prisoner's consent was not required before such information could be used on the form. Therefore, the SPS had not acted wrongly, and we did not uphold that part of Mr C's complaint either.