

SPSO decision report

Case: 201402429, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: legal correspondence
Outcome: not upheld, no recommendations

Summary

Mr C complained that prison staff opened an item of post from his solicitor, which they should have passed to him unopened.

Post in prison must be strictly handled, so that prisoners do not receive inappropriate items. Incoming mail is, therefore, opened by prison officers. However, the Scottish Prison Service (SPS) recognise that some post should be regarded as confidential and passed to prisoners unopened, including correspondence from legal advisers such as solicitors. The SPS have arrangements in place to identify such post, which should then not be opened by prison staff.

In this case, the solicitor had not followed the agreed process to enable the SPS staff to identify their correspondence with Mr C, but had simply marked it as 'private and confidential'. The correspondence was, therefore, opened because this was not enough to qualify it to be passed on unopened. We considered that the SPS had acted appropriately. We also noted that, to resolve the matter, when Mr C complained to the SPS they said they would contact the solicitor to remind them of the process. Our investigation confirmed that the SPS had done that.