



Ministry
of Justice

G Fawcett
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Disclosure Team
Ministry of Justice
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24 July 2020

Dear G Fawcett

Freedom of Information Act (FOIA) Request – 200703012

Thank you for your request dated 3 July 2020 in which you asked for the following information from the Ministry of Justice (MoJ):

I would be grateful if you could share with me the Data Protection Impact Assessment (DPIA) covering the recent implementation of the video visitation system within HM prisons.

Your request has been handled under the FOIA.

I can confirm the MoJ holds the information that you have requested.

However, the information is exempt from disclosure under section 31(a)(f) of the FOIA, because it would likely to prejudice the prevention or detection of crime and the maintenance of security and good order in prisons or in other institutions where persons are lawfully detained.

Section 31 is a qualified exemption which means that the decision to disclose the requested material is subject to the public interest test. When assessing whether or not it was in the public interest to disclose the information to you, we took into account the following factors:

Public interest considerations favouring disclosure

- We recognise that disclosure in full would provide greater transparency and enable the public to be made aware of this technology and its use in prisons. This could increase the public's operational understanding of how establishments maintain good order and security in prisons
- The public interest in maintaining public confidence in the high standards of security and good order of prisons is a key concern and one that is recognised by the MoJ. It is acknowledged that this might be enhanced by the release of the requested information insofar as this would broadly further interests of transparency and accountability.

Public interest considerations favouring withholding the information

- The data requested would reveal the detailed security workings of a prison and be likely to be used to subvert the effectiveness of our current counter measures. The information is also likely to prove invaluable to those engaged in criminality within prisons and information disclosed could have a detrimental impact on the security and safety for the same reasons.
- A Data Protection Impact Assessment assesses potential risks and allows mitigations to be put in place. These are designed to be an open and full assessment of potential risks. It is not designed to be put in the public domain.
- Providing information about how we have designed systems to enable prisoners and members of the public to communicate could be used to compromise these systems. This could result in the service being paused, stopped or cause delay to the wider rollout of these visits which are providing a critical route for communication between families and prisoners.

On balance, I consider the public interest favours not disclosing the information at this time.

Although we are not disclosing this information, you may however wish to refer to the privacy notice available here: <https://www.purplevisits.com/privacy-policy/>. As part of the work to roll out this service alongside technical considerations and user research, our data protection and cyber security teams have been heavily involved in ensuring this service is secure.

You can find out more about section 31 by reading the extract from the FOIA and some guidance points we consider when applying this exemption, attached at the end of this letter. You can also find more information by reading the full text of the FOIA, available at <http://www.legislation.gov.uk/ukpga/2000/36/section/31> and further guidance <http://www.justice.gov.uk/guidance/foi-exemptions-guidance.htm>.

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

Disclosure Team, Ministry of Justice

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,

MoJ Digital, Technology and Security