

## SPSO decision report



**Case:** 201004174, Scottish Prison Service  
**Sector:** Scottish Government and devolved administration  
**Subject:** prisoner progression  
**Outcome:** not upheld, no recommendations

### Summary

Mr C complained that the SPS decided not to let him progress to an open prison. He said that this decision was based on intelligence (information) from the police that he believed to be untrue. He asked for clarification and was told that he presented an unacceptable risk to the public and so did not meet the criteria for progression. He was unhappy with this response and wanted to know more about the intelligence held on him.

We did not uphold Mr C's complaint. It was not for us to say if the intelligence was accurate, or whether or not Mr C should have been progressed to an open prison. We cannot comment on whether properly taken decisions of an organisation are correct. They have discretion to decide on such matters. We can look at whether they followed proper processes and procedures and considered relevant information in making their decision. In this case, we did not see any evidence that the SPS failed to follow their procedures in reaching their decision. As well as this, we noted that where a case involves intelligence about a prisoner, it may not always be appropriate to make that intelligence available to him or her. This is particularly true where the decision relates to security and risk to the public and there are reasonable concerns about this information being disclosed. In this instance, we considered that it was also reasonable for the SPS to decide that it would not be appropriate to disclose further information related to the intelligence.