

Reference: FOI 526 Freedom of Information Request

Thank you for your email, which we received on 22 December 2023. Your request has been handled under the Freedom of Information Act 2000.

You asked us:

To provide the number of upheld complaints made to the Prisons and Probation Ombudsman (PPO) about food, accommodation and equality during 2022 and 2023.

Our response:

We have searched our records and we hold the requested information on the above question. Please find below a table detailing the number of upheld and partially upheld complaints that we completed during the financial year 2022/23 for food, accommodation, and equality.

Complaint type	Number of upheld complaints
Accommodation	5
Equality	2
Food	7
Total	14

You asked us:

To provide full copies of these complaints and the PPO's response to them.

Our response:

We have decided not to disclose the information you requested as an absolute exemption applies. In accordance with section 17 of the Freedom of Information Act this letter acts as a refusal notice.

The absolute exemption is described below. In applying this exemption, we do not have to apply a public interest test to the disclosure of this information.

The exemption applied (under the Freedom of Information Act) is:

- Section 40 (2) 'Personal Information'.

This exemption applies because our complaint investigation files contain personal information about living individuals, which must be stored securely in line with the Data Protection Act. We consider that disclosing this information would constitute a breach of one or more principles in the Data Protection Act 1998 referred to in FOIA 2000.

We, as the authority, are also not obliged to create new information or find the answer to a question where the information is not already in recorded format. Consequently, we are not obliged to comply with your request by supplying anonymised summaries of these complaints as we have in the past.

You have the right to appeal against our response if you think it is incorrect. Details can be found in the 'How to Appeal' section attached at the end of this letter.

The Prisons and Probation Ombudsman (PPO) carries out **independent investigations** into complaints and deaths in custody. The detailed role and responsibilities of the PPO are set out in our office's Terms of Reference. The PPO has three main duties:

- to **investigate complaints** made by prisoners, young people in detention (prisons and secure training centres), offenders under probation supervision and individuals detained under immigration powers (detained individuals)
- to **investigate deaths** of prisoners, young people in detention, approved premises' residents and detained individuals due to any cause, including any apparent suicides and natural causes
- to **investigate deaths** of **recently released prisoners** that occur within 14 days of release from prison (except homicide)

The purpose of these investigations is **to understand what happened, to correct injustices** and **to identify learning** for the organisations whose actions we oversee so that the PPO makes a significant contribution to safer, fairer custody and offender supervision.

We may use or share your data only to the necessary extent when conducting our independent investigations in the exercise of our official authority. We will share your data with third parties (e.g. the prison) in order to make sure the information is accurate; to prevent or detect failings; and to identify lessons learnt. We may sometimes need to share your data with third parties if required by law. We only keep your personal data for as long as it is needed, as set out in our data retention policy. If you need any further information about how your data is used, please contact us.

How to Appeal

Internal Review

If you are not satisfied with this response, you have the right to an internal review. The handling of your request will be looked at by someone who was not responsible for the original case, and they will make a decision as to whether we answered your request correctly.

If you would like to request a review, please write or send an email to the Prisons and Probation Ombudsman's office **within two months of the date of this letter**, at the following address:

Prisons and Probation Ombudsman
Third Floor
10 South Colonnade
Canary Wharf
London
E14 4PU
E-mail: Mail@ppo.gov.uk

Information Commissioner's Office (ICO)

If you remain dissatisfied after an internal review decision, you have the right to apply to the Information Commissioner's Office. The Commissioner is an independent regulator who has the power to direct us to respond to your request differently, if he considers that we have handled it incorrectly.

You can contact the ICO at the following address:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Internet address: <https://ico.org.uk/>