

## SPSO decision report

**Case:** 201405742, Scottish Prison Service  
**Sector:** Scottish Government and devolved administration  
**Subject:** complaints handling  
**Outcome:** not upheld, recommendations

### Summary

Mr C complained to his prison that officers appeared to know confidential information relating to his health. Mr C was not satisfied with the prison's response and so he complained to us.

We looked at the prison's records on Mr C's complaint, and we found that it had been difficult for them to establish the facts of the incident that led to the complaint. A prison manager interviewed officers involved, and their recollections were unable to confirm where the information about Mr C had originated. Although it was not possible to determine exactly what happened, we were satisfied that the overall approach taken by the prison and their response to Mr C's complaint was adequate in the circumstances and, therefore, we did not uphold his complaint.

Although we did not uphold the complaint, we felt it would be helpful if the prison shared with Mr C the investigation of his complaint and the conclusions reached, by giving him a copy of the prison manager's report. We also made a recommendation to address a concern raised by another prison manager during the prison's consideration of Mr C's complaint, given the importance of preserving the confidentiality of personal health-related information.

### Recommendations

We recommended that Scottish Prison Service:

- consider giving Mr C a copy of the prison manager's investigation report; and
- discuss the concern about staff overhearing confidential health information with relevant prison and NHS staff to determine what steps could be taken to preserve the confidentiality of such information.