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6 September 2016

Dear XXXXXX,

**Request under Freedom of Information (Scotland) Act 2002
FOI 201604**

Thank you for your freedom of information request of 3 September 2016, received by us on 3 September 2016. This gave a statutory deadline for responding of 30 September 2016 under the terms of the Freedom of Information (Scotland) Act 2002.

Whilst we endeavour to provide information whenever we can, we believe that in this instance an exemption under section 38(1)(b) of the Act applies to all of the information requested.

We believe that your request falls under this exemption because it is asking for personal information relating to the Director and Deputy Director of the prison. "Personal data" is defined in section 1(1) of the Data Protection Act 1998, and we believe that the disclosure of this information would be likely to breach one or more of the data protection principles set out in Schedule 1 to the Data Protection Act.

The exemption under section 38(1)(b) is an absolute exemption, and is therefore not subject to the public interest test contained in section 2(1)(b) of the Freedom of Information Scotland Act 2002.

I am sorry we are unable to assist with your enquiry. If you are dissatisfied with this response, you have the right to request an internal review. Your request should be made within 40 working days of the date of receipt of this letter, and we will reply within 20 working days of receiving your request.

Under section 20(3)(c)(ii) of the Act your request should outline your reason for seeking a review. If you remain dissatisfied following an internal review, you then have the right to make a formal complaint to the Scottish Information Commissioner.

If you require an internal review to be carried out, please write to

The Director
HM Prison Kilmarnock
Mauchline Road
Kilmarnock
KA1 5AA



The review will be undertaken by staff who were not involved in the original decision making process.

Yours sincerely,

Andrew Hill

Head of Performance and Compliance