**THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002**

**REFUSAL NOTICE**

**Request Number:** 123

**Date: 1 August 2022**

This refusal notice is provided in accordance with section 16 of the Freedom of Information (Scotland) Act 2002 (“the Act”).

You have requested certain information which we are not providing to you as it is otherwise accessible. The accompanying letter describes where the information you seek is available.

Section 16 of the Act requires us to complete a refusal notice when we are not providing information which is otherwise accessible. The details we are required to include in this refusal notice are set out below.

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| **Information which is the subject of the request** | “Please provide any information and analysis held by the Commission on the policy operated in prisons in England for transgender prisoners” |

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| **Information which is otherwise accessible** | *R. (on the application of FDJ) v Secretary of State for Justice, 2021*. |

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| **Exemption(s)** | Section 25 - Information otherwise accessible |
| **Why exemption(s) applies** | *R. (on the application of FDJ) v Secretary of State for Justice, 2021*.  This information is publicly available online across various platforms and we have provided a link: [FDJ, R (On the Application Of) v Secretary of State for Justice (Rev 1) | [2021] EWHC 1746 (Admin) | England and Wales High Court (Administrative Court) | Judgment | Law | CaseMine](https://www.casemine.com/judgement/uk/60e2a2192c94e01fd73c1375). |
| **Public interest (where relevant)** | A Public Interest Test is not required under this exemption. |