

**Department/Organisation: Correctional Services Department (“CSD”)
Case concluded in: January 2018**

CSD refused to provide information on complaints about use of unnecessary force by officers of its correctional institutions

The Event

Citing the Code on Access to Information (“the Code”), Ms A requested CSD to provide information on the complaint cases over the past five years received by its Complaints Investigation Unit from inmates against CSD officers for using force unnecessarily, including details of the application of force, the injury sustained by the inmate, whether any weapon was used, and the name of the correctional institution involved in each case (collectively “the requested information”). CSD replied in writing that it did not keep any such statistics. Ms A alleged that CSD had unreasonably withheld the requested information.

Our Findings

CSD affirmed that it did not keep any such statistics. The relevant information was not stored in CSD’s computer system but scattered in numerous complaint investigation files, such that CSD could not churn out the requested information from its computer. It would take the Department a lot of time and manpower to compile the requested information for Ms A. CSD, therefore, refused her information request.

We accepted CSD’s explanation. Paragraph 1.14 of the Code (“does not oblige departments to create a record which does not exist”) was applicable to this case.

Notwithstanding that, The Ombudsman considers that Government departments should, as a matter of principle, provide information as far as possible to enable the public to understand and thereby monitor their operations. If there are signs of the public being concerned about certain aspects of a Government department’s operations and being interested in having the relevant information, the department concerned should consider taking the initiative to compile such information, whether for regular publication or release to the public upon request. The Ombudsman, therefore, expects CSD to take heed of the public’s concern and aspirations, and accordingly compile and disclose more of such information in future.