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Learning Together

Digital Privacy Behind Bars

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The increasing digitalisation of society has brought new dimensions to the concept of privacy. Thus, it is unsurprising, that the introduction of digital technologies within the enclosed environment of prisons has had a profound impact on understandings of privacy behind bars. Drawing on the findings from an ethnographic study on the use of the digital platform PrisonCloud in a Belgian prison,[1] this article explores the different privacy issues with regard to digital communication in prison, and suggests that the addition of a digital dimension to the prison context, the prisoners perceived digital privacy improved. However, the findings raise significant additional questions about the levels of data literacy amongst prisoners.

Introduction

Privacy? You are locked up (Interview prisoner 17)

The overall lack of privacy within prison systems has long been labelled as one of the 'pains' of imprisonment.[2] Although privacy in general is subject to many interpretations; it does embody a unique meaning in a prison setting. Benn and Gaus argue that every space in the prison setting is '*public*'.[3] While entering the penitentiary system for example, prisoners are subjected to the permanent surveillance of both prison staff and multiple CCTV cameras.[4] From their inception, the construction of Belgian prisons was governed by the idea of permanent surveillance; designed as a star-shaped structure, that divided the prison into different landings, overlooked by a centrally located block that can easily monitor those inside.[5] Moreover, the concept of permanent surveillance shaped the way facilities were introduced in the penitentiary context. For instance, when the prisons were equipped with public phones in the 1980s, the Belgian Prison Service advised to locate them on the landings, near the centre of the prison, so that prison staff could easily monitor prisoners while making a phone call.[6] Such design decisions have important implications for prisoner-officer interactions. Beijersbergen et al. found that prisoners in panopticon layouts — implying permanent surveillance — were less positive about officer-prisoner interactions then in other layouts (e.g. campus).[7]

The gradual infusion of digital infrastructure within penitentiary systems, has over time (re)shaped the traditional control mechanisms described above. The introduction of television in the 1980s for example, was for instance used to 'foster control with less direct intervention from staff and thus satisfying safer custody priorities'[8], thus mirroring the idea of using technologies for purposes of control.[9] Jewkes and Reisdorf argue that digital facilities became privileges, used to elicit good behaviour from prisoners as an exercise of soft power.[10] More recently, digital technologies that allow interaction between prisoners and prison services or staff, have added a new dimension to prison life and the communicative processes between prisoners and staff. It has also raised the vexed question of access to digital information; who decides who can access it, use it, and for what purposes. This article focuses on the particular issue of privacy in the context of a digital prison.

1. This doctoral study results from a collaboration between the Vrije Universiteit Brussels and the National Institution for Criminalistics and Criminology, financed by the Research Foundation Flanders.
2. Jones, H. L. (2007) The Pains of Custody: how Young Men Cope through the Criminal Justice System, PhD thesis University of Hull United Kingdom 2007 https://core.ac.uk/download/pdf/2731509.pdf
3. Benn, S. I. & Gaus, G. F. (1983) The public and the Private: Concepts and Action. In Public and Private in Social Life' (pp. 3-27). Croom Helm Great Britain.
4. Jones, H. L. (2007) The Pains of Custody: how Young Men Cope through the Criminal Justice System, PhD thesis University of Hull United Kingdom 2007 https://core.ac.uk/download/pdf/2731509.pdf
5. Snacken, S. & Beyens, K. (2017) Het Belgische beleid ten aanzien van de gevangenisstraf en haar alternatieven. In Straffen. Een penologisch perspectief (pp. 95-136). Maklu Antwerp.
6. The Collective letter No. 16/VII of 18 September 1989 regarding the use of telephone communication by prisoners.
7. Beijersbergen, K. A., Dirkzwager, A. J. E., van der Laan, P. H. & Nieuwbeerta, P. (2014) A social building? Architecture and Staff-Prisoner Relationships. Crime & Delinquency, p1-32.
8. Knight, V. (2015) A Modus Vivendi – In-cell Television, Social Relations, Emotion and Safer Custody. Prison Service Journal, (216), p19-20.
9. Johnson, R. (2005) Brave New Prisons: The Growing Social Isolation of Modern Penal Institutions. In The Effects of Imprisonment (pp.255-284). Willan Publishing USA.
10. Jewkes, Y. & Reisdorf, B. C. (2016) A brave new world: The problems and opportunities presented by new media technologies in prisons. Criminology & Criminal Justice, p1-18.; Crewe, B. (2011) Soft power in prison: Implications for staff-prisoner relationships, liberty and legitimacy. European Journal of Criminology, 8(6), p455-468.

Digital Platforms And In-Cell Communication

Evolving digital technologies have also found their way into penitentiary systems. Recently, new technologies have been implemented in prisons that have moved the accessibility of facilities from outside the prison cell, to ones that are in-cell. A detailed discussion on the international evolutions of the digital penitentiary landscape has been previously given by Victoria Knight,[11] who argued that digital technologies such as radio, television and gaming consoles are now embedded in everyday prison life.[12] Similarly, new initiatives were taken by the Belgian Prison Service as a result of a private-public collaboration in 2014; this included the creation of a new digital platform for prisoners.[13] The in-cell digital platform PrisonCloud,[14] enables prisoners to access several digital services, such as ordering their canteen electronically, watching television, writing messages directly to internal services, and making in-cell phone calls. Other countries have already shown great interest[15] in this digital platform, and it is strongly promoted by the Belgian Prison Service and their private partner. Currently, the PrisonCloud system operates in three — out of a total of thirty-four — Belgian prisons.

Significantly, the decisions of the local prison administration can have a bearing on the research findings. The way that PrisonCloud is configured, depends on the *à la carte* selection of functions chosen by an individual prison; prison governors can decide for example, which information is disseminated by PrisonCloud, which services prisoners can send messages to, and what limitations are imposed upon the communication system. Whichever form the implementation of PrisonCloud takes, it digitalises prison organisation and daily routines, relocates the accessibility of facilities to the cell, and renders the activities of prisoners and prison staff traceable. The platform thus adds a distinctly digital dimension to the private aspects of prison life: a new environment where everyday aspects, such as internal communication, can now be exercised privately, and where other, specifically digital forms of interaction, become increasingly prevalent.

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Methodology

This article builds on a study of digitalisation and the use of PrisonCloud in one Belgian prison, where the experiences of both prisoners and prison staff were considered. This article, however, focuses solely on the experiences of prisoners. The studied prison holds approximately 300 male prisoners, most of them serving long-term sentences. The majority of had been previously detained in other prisons, with the result that all interviewees had experience with at least one other non-digital prison.[16] By asking the prisoners about their experiences in non-digital prisons, we were able to track the influence of the use of PrisonCloud.

Prior to undertaking 36 qualitative interviews in July and August 2017[17], the researcher performed observations over a six-month period between January 2017 and June 2017. Each interviewee confirmed his participation in the research by sending us a message through PrisonCloud. This method led to an overwhelming application of prisoners on which we performed a pragmatic sample. The interviewees were selected based on the chronological order of their application. However, some variables were checked on the basis of pre-determined criteria, confirming, to the extent it was possible, that all groups were

11. Knight, V. (2015) Some Observations on the Digital Landscape of Prisons Today. Prison Service Journal, (220), p3-15.
12. Knight, V. (2015) Some Observations on the Digital Landscape of Prisons Today. Prison Service Journal, (220), p3-15; Ribbens, W. & Malliet, S. (2015) Exploring the appeal of digital games to male prisoners. Poetics, 48, p1-20; Vandebosch, H. (2000) Research Note: A Captive Audience? European Journal of Communication, 15 (4), p529-544.
13. Beyens, K. (2015) PrisonCloud. Een ICT-platform voor de Belgische gevangenissen. Panopticon, 36 (2), p122-126.
14. More information can be found on https://www.ebo-enterprises.com/prisoncloud.
15. Knight, V. & Van De Steene, S. (2017). Digitizing the Prison: The Light and Dark Future. Prison Service Journal (231), p22-30.
16. The interviewees had experiences within one to eight non PrisonCloud prisons.
17. Two test interviews were conducted in June 2017.

represented.[18] While analysing the field notes, variant experiences relating to privacy, and their importance to the detention experience, were manifest. Consequently, this issue was addressed during the interviews, which in turn generated significant data on the question of privacy behind bars. This article discusses the meaning that *prisoners* give to their digital privacy as a consequence of the (un)intended outcomes of introducing digital technologies.

Digital Privacy

Characterized by its security goals, imprisonment by definition involves restrictions on (digital) privacy. Entering the digital prison, an incoming prisoner is given a login account on PrisonCloud. The local prison administration then gathers information on the incoming prisoner, and based upon this, he/she will be able to use PrisonCloud in their preferred language (Dutch, French or English). PrisonCloud functions on the basis of a central server which makes it possible for individual data to follow a prisoner, thus allowing transfers to another cell or prison to be seamlessly facilitated. It is important to note that *all* prisoners are given access to the digital platform and its services.[19]

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Prisoner's privacy has been mostly limited to discussion about the need of individual cells allowing prisoners to withdraw themselves.[20] Whilst this is a noteworthy topic, the focus here is on digital privacy, and not general experiences of privacy in prison, even if they have a digital dimension. For the purposes of this article, *digital* privacy is described as *'the indefeasible right of an individual to control the ways in which personal information is obtained, processed, distributed, shared, and used by any other entity'*.[21] This is linked to an additional factor, namely data literacy, which Mandinach and Gummer define as *'the ability to understand and use data effectively to inform decisions'*.[22] In other words, the concern is not simply one of control, but the extent to which prisoners are aware of their own data and how it is used?

Although the (inter)national attention for prisoners' rights has increased, discussions about the parameters of digital privacy in prisons remains limited. Furthermore, the experiences of prisoners regarding their digital privacy has seldom been addressed, whilst research examining access to digital technologies in prison are themselves extremely limited.[23] The greater part of the prisoner population are systematically denied access to the majority of digital technologies, which leaves them as what Jewkes and Johnson describe as *'cavemen in an era of speed-of-light technology'*.[24] Similarly, Gangadharan argues that *'from data collection to data sharing to data analysis, members of historically marginalized groups are at risk of being stereotyped, exploited, or alienated'*.[25] Prisoners already know many deprivations as result of their imprisonment.[26] The subjective value given to digital privacy is therefore significant. In this sense, I agree with Solove and Schwartz that '(…) *the value of privacy concerns its importance — how privacy is to be weighed relative to other interests and values'*.[27] When the topic of digital privacy was discussed, the interviewees referred mainly to the internal communication with the prison services and the external communication with the outside world by telephone through PrisonCloud.

18. The participants, whose ages fall between 21-64 years old (median: 31,5; one interviewee's age was not included), included both prisoners on the open regime (14), and prisoners on the closed regime (22), interviewees residing on a single cell (30), and interviewees sharing a cell (6). It should be noted that in the time between the application to take part in the interviews, and the interviews taking place, most prisoners had already changed cells. The interviews were conducted in Dutch (33), French (2), and English (1).
19. However, prisoners have to pay to use some services (e.g. television).
20. Maes, E. (2009). Van gevangenisstraf naar vrijheidsstraf. 200 jaar gevangeniswezen. Antwerpen/Apeldoorn Maklu.
21. Acquisti, A., Gritzalis, S., Lambrinoudakis, C., & De Capitani di Vimercati, S. (Eds.). (2008). Digital privacy. Theory, Technologies, and Practices. New York and London: Taylor & Francis Group.
22. Mandinach, E.B. & Gummer, E.S. (2013) A systematic view of implementing data literacy in educator preparation. Educational Researcher, 42 (1), p30-37.
23. Reisdorf, B. & Jewkes, Y. (2016) (B)Locked sites: cases of Internet use in three British prisons. Information, Communication & Society, p.1-17.
24. Jewkes and Johnston (2009) Cavemen in an era of speed-of-light technology: Historical and contemporary perspectives on communication within prisons. Howard Journal of Criminal Justice, 48 (2), p132-143.
25. Gangadharan, S.P. (2015) The downside of digital inclusion: Expectations and experiences of privacy and surveillance among marginal Internet users. New media & society, 19 (4), p597-615.
26. Jewkes, Y. (2008) The role of the Internet in the twenty-first-century prison: Insecure technologies in secure spaces. In K.F. Aas, H. Oppen Gundhus & H. Mork Lomell (Eds.), Technologies of InSecurity: The Surveillance of everyday life (pp. 171-188). Abingdon: Taylor & Francis.
27. Solove, D. J. & Schwartz, P. M. (2009) Privacy, Information, and Technology (2nd Edition ed.). Panel Publishers USA.

Findings

The Traceability Of Internal Communication

'It is two-fold, everything is now traceable because of PrisonCloud'

(Staff member psychosocial service, Fieldnotes, January 2017)

The internal communication system of PrisonCloud was implemented in the studied PrisonCloud prison at the beginning of 2015. From that point on, prisoners were able to send electronic report messages[28] to the internal prison services through the digital platform. The introduction of the electronic communication system was not immediately adopted by all prisoners, some of them still preferred to use handwritten report notes. Prison staff were asked to raise prisoners' awareness, and to encourage the sole use of electronic communication in the future.[29]

Electronic communication distinguishes itself from traditional written communication: using electronic report messages prisoners can *directly* communicate with some internal services, such as the psychosocial and medical services. This direct way of communicating was discussed when PrisonCloud was implemented and privacy issues were considered. A prisoner's request for healthcare for example, is only seen by medical staff.[30] The possibility of direct messaging to the corresponding service, was widely embraced by the interviewees.

> *The advantage of sending report messages through PrisonCloud is that nobody can read it. I mean, no prisoner can read it. I used to give my report notes in [a non-digital] prison, and the first thing the fatik [prisoner responsible for domestic work] did, was to read it. It was not meant for him. It was meant for the prison administration or somebody else (Interview 35).*

In non-digital prisons, reports go through various staging posts, and several people are involved in delivering the report notes to corresponding services. They are firstly collected by the prison officers who hand them over to the supervising officer. When all report notes of the wing have been collected, the report notes are distributed to the corresponding services. As a result, all those involved in the process are able to read the report notes. Furthermore, report notes sometimes get lost, which causes a great deal of daily discussions. The traceability of the communication through PrisonCloud means that report messages cannot get lost:

> *They no longer can say 'we have lost it' or 'we accidently lost it'. They cannot say that. You have proof you have written it. They once tried to tell me that they did not receive anything. I told them I still had the message. I would not be that stupid to send a message and delete it immediately afterwards, because you will have nothing. Now, you have a guarantee (Interview 9).*

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In the studied prison, prisoners can write electronic messages directly to the following services: the supervising officer, the medical service, the psychosocial service, the welfare services, the workhouses, the accounting service, the local prison administration, the religious and moral services, the visits department, the reception and the porter. Contact with the Independent Monitoring Board, however, remains on paper. Although the Board believes that sending an electronic message would be regarded as more private with regard to fellow prisoners (knowing that no fellow prisoner will know they contacted the Board), they are somewhat sceptical about whether or not the electronic report messages are actually private.[31]

Some prison services are not directly accessible. For example, prisoners can only request an appointment with the prison governor when they write to the supervising officer and give a reason for wanting a meeting. In instances such as this, the supervising officer decides which electronic report messages are to be forwarded and therefore still has the option to handle the report message him/herself.

28. Traditionally, the communication system in non PrisonCloud prisons was done by written media, using the so-called 'report notes.' To clearly underline the distinction between the traditional written and electronically sent messages, we speak in terms of 'report notes' and 'report messages' in PrisonCloud.
29. Internal mailing by the local prison authorities (2015); Field notes (March 2017).
30. Knight, V. & Van De Steene, S. (2017). Digitizing the Prison: The Light and Dark Future. Prison Service Journal (231), p22-30.
31. Mailing with the Board (April 2018).

Throughout the research, it became clear that the digitalisation of the internal communication system resulted in an overload of report messages for the internal prison services. This can be linked to the 24/7 accessibility of the communication system, allowing prisoners to send report messages at any time. The overload of report messages was dealt with by setting limitations on the number of report messages to each service, which led to frustrations by the prisoners,[32] and were perceived as undermining the prisoners freedom of choice. Interestingly, in order to bypass these limits, prisoners send report messages to other services, hoping that their messages will be either forwarded, or that the prison officer will contact the appropriate service themselves. Thus, prisoners still operate within the framework of an organization that implements technology according to its needs. However, prisoners will still use technology to meet their needs, which may manifest as somewhat different to that expected by the prison.

Within the digitalised communication system there is an inherent traceability of the user's actions. Even though prisoners can delete messages from their inbox, they are saved on the system and can still be consulted by the corresponding service. Bocklandt raised the possibility of report messages being systematically saved, which in theory can be used and requested by either prisoners, internal and external employees or the central prison administration.[33] Following the observations and interviews, we found that report messages are used as an informal means of evidence, although this is a mutual benefit; both prisoners and prison staff use communications in this way.

Prison staff can use the report messages as a source of information about the prisoner. Additionally, the content can be used as evidence by prison staff that prisoners wrote certain messages. The traceability therefore leads to less ambiguity about communicative provenance. The discussion on whether or not a prisoner has sent a message — which is common in prisons without PrisonCloud — can be immediately clarified.

Prisons are places with many opportunities for frustration and anger to fester. The 24/7 accessibility of PrisonCloud allowed prisoners to use the platform to vent their frustrations with greater immediacy on, among other things, the prison system. Interviewees stated that using handwritten report notes, prevented them from acting impulsively. With PrisonCloud, they no longer have to wait to hand over the report notes to the prison officer, instead they can send their messages immediately. The time gap between writing a report note and handing it over to the prison officer, gives prisoners a few moments to cool down and reflect on their course of action when they feel frustrated. Although the internal services will often not react to angry messages, they can forward the abusive and/or threatening messages to the local prison administration, which can start up a disciplinary procedure.

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The report messages can be added to a prisoner's file, and becomes a source of information for the other services, such as the psychosocial service, to make decisions. The PrisonCloud messages provide a ready illustration of a prisoner's behaviour, or his communicative manner, whether that is positive or negative. Relatedly, the content can be used to help in the diagnosis of certain mental health concerns (e.g. psychosis). This can be deduced by how sentences are formulated, as they report messages can show the gap between the self-presentation for the Sentence Implementation Court, and a prisoners actual behaviour in prison. The core business of the members of the psychosocial service is for example, to provide advice to external institutions like the Sentence Implementation Court.

> *Prisoners sometimes pretend to be saints when appearing for the Sentence Implementation Court.[34] Using the report messages, it can be shown that the prisoner is not always a saint; 'It is easier to behave yourself in front of the Court for ten minutes, instead of behaving yourself for ten months in prison' (Staff member psychosocial service, Fieldnotes, January 2017).*

32. For example, prisoners are allowed to send one message a day to the psychosocial service and two messages a week to the library service.
33. Bocklandt, P. (2017) Prison Cloud … mag het iets meer zijn? Fatik, 154, p11-16.
34. The Sentence Implementation Courts decide about alternative sentences such as conditional release and electronic monitoring.

On the other hand, the report messages written by prison staff are similarly used by prisoners. For example, a prisoner can print their report messages and use them to illustrate their efforts to pay the civil party to increase their chances to be conditionally released, to be put under electronic monitoring, or to show to prison officers as proof of an agreed event:

> *For example, you request a conjugal visit. They will give you an hour and a date. You will print this message because some prison officers will say that they are not aware of your conjugal visit and that you are not on the list to leave your cell. I am on that list, so I will print the report message. Because it says that my request is approved. This way, we [prisoners] can always prove it (Interview 5).*

While the (lack of) prisoners' privacy has been widely discussed, the traceability of communication systems also impacts the working experiences of prison staff. This issue has been raised by Hancock and Jewkes, in discussing new forms of control resulting from the constant self-management by prison staff.[35] This was also perceived by the interviewees. Prisoners noted that as the use of the digitalised communication system was perceived as official, the prison staff had become *'more prudent*' in their electronic communication, which needed to be reflective of a higher degree of professionalism.[36]

External Communication: Suspicious Minds

Prisoners were very positive about the relocation of phones to their cells, meaning that they were no longer required to share the public phones on the landings like prisoners in the non-digital prisons. The central location of public phones in these prisons caused obvious limitations to prisoners' privacy; staff could easily monitor prisoners' conversations, and the close proximity of the public phones to the landings also made it possible for fellow prisoners to overhear personal conversations.

> *In another prison I had to call on the landings. Two meters further, another prisoner was calling, and across the landing another one. Bottom-line, you don't have real privacy then to discuss something with your friends or family. It is not ideal to explain something with thirty ears around you. That is the advantage here (Interview prisoner 1).*

Previously, prison staff were responsible for keeping track of each prisoner's phone calls; collecting information on the number dialled, the recipient, and the call date and time.[37] This information is now automatically tracked in non-digital prisons. However, Belgian law prohibits the recording or tapping of prisoners' phone conversations without an injunction issued by an investigating judge. These regulations apply for both digital prisons and non-digital prisons. Despite the interviewees appreciation of the increased privacy of in-cell phone use, many expressed fears, or even presumed, that their calls were being tapped:

Prisoners were very positive about the relocation of phones to their cells, meaning that they were no longer required to share the public phones on the landings like prisoners in the non-digital prisons.

> *But of course, it is being tapped. I wasn't born yesterday (Interview prisoner 35).*

Such presumptions reflect the distrust prisoners hold when making phone calls in the penitentiary context. Amongst other reasons, this widely held belief encourages the use of illegal mobile devices practices inside the prison, which although prohibited in the prison due to the impossibility of monitoring them,[38] prisoners still manage to have them smuggled them in:

> *They [the prison administration] can request everything and check everything. They follow you. We [prisoners] know that and take this into account. Some people are too suspicious and bring mobile phones inside (Interview 5)*

35. Hancock, P. & Jewkes, Y. (2011) Architectures of incarceration: The spatial pains of imprisonment. Punishment & Society, 13 (5), p611-629.
36. Whilst we assert the importance of constant management and the impact on, and reactions of, prison staff, detailed discussion is beyond the remit of this article which is primarily concerned with the experiences of the prisoners.
37. Ministerial Circular No. 1664/VII of 28 June 1996 regarding the use of telephone communication by prisoners.
38. Ministerial Circular No. 1642/V of 20 January 1995 regarding mobile phones.

The findings show that prisoners are unaware of what data the government is collecting from their phone calls. However, the digital infrastructure is not something prisoners can avoid in digital prisons, because they are *obliged* to use the digital platform as it is often the only way to access facilities such as the canteen, to communicate with the internal prison services, or indeed the outside world. The digital platform thus collects an enormous amount of data on prisoners. In addition, questions arise over the fact that the platform has been developed by a private company. A discussion in the Belgian Chamber of Representatives revealed that the same private company actually collects data — although '*it is not clear whether this data can be retrieved for privacy reasons.*'[39]

The compulsory use of the digital platform, combined with the respondents' general lack of knowledge about data collected from their telephone use, indicates an involuntary engagement with their data. However, data literacy is increasingly more important in an era of speed-of-light technology. Considerations of data literacy, discussed in section 4 above, helps to identify two privacy issues. Data literacy implies possession of a broad skill set and knowledge base in order to take well informed decisions.[40] The findings suggest a lack of skills and knowledge, indicating that choices are neither well informed nor even *bona fide choices.*

Conclusion

This article has explored the meaning of privacy for prisoners in the context of the (un)intended consequences of a digital communication systems with a digitalised prison. The findings emerged within the framework of a study on digitalisation in Belgian prisons and are based on both observations and qualitative interviews with prisoners.

Imprisonment involves a *de facto* restriction on privacy whether the institution is digitalised or not. The emphasis on security ensures that prisons by their very nature are *privacy-poor* environments. However, the digital platform PrisonCloud, disturbs traditional notions of privacy within a prison setting by relocating several facilities to the domain of the prisoner's cell. Gradually several services have been integrated into the digital platform so that every prisoner needs to use them in order to have access to essential facilities. It was found that the digital platform adds to the prisoners perceived sense of privacy. Prisoners found the in-cell access to the communication system, both internal and external, a positive one. PrisonCloud speeds up the communication between prisoners, prison staff and outside society. Although prisoners gain more privacy with the in-cell access to internal and external communication, the relocation has deeper consequences for life inside prison. The digitalisation allows for possibility to track the actions of its users and both prisoners and prison staff have responded to this traceability in ways that respectively question and exploit the capabilities of the system. Much of this relates to how the use of digital technologies in prison has elicited new issues around the questions of data literacy. The findings show unawareness with the data of prisoners as, for example, the presumptions of phone calls being tapped are all pervasive in the penitentiary context, and the option to give, or not give, data is absent. The shift in emphasis on *data giving,* instead of *data gathering,* sheds interesting light on the experiences of the prisoners which are central to this article. Moreover, if the prisoners data is key to the successful functioning of the digital infrastructure, it cannot be considered insignificant to assess their possession of necessary data literacy skills with which meaningful choices about digital privacy are made. Failure to do so will limit the comprehension and understanding of the detention experiences of prisoners in a digital prison environment.

39. The Flemish Parliament (2016) Question nr. 557 of Mister Piet De Bruyn of 27 May 2016. Attachment answer n° 4. Retrieved from docs.vlaamsparlement.be/pfile?id=1192578
40. Koltay, T. (2014) Data literacy: in search of a name and identity. Journal of Documentation, 71 (2), p.401-415.