

**Subject:** Access to closed prison files held under references HH16/364/1, HH16/364/2, HH16/364/3, HH16/364/4, HH16/364/5 and HH16/364/6.

**FOI reference:** FOI/19/01901

**Date received:** 7 August 2019

**Date responded:** 10 September 2019

**Information requested:**

Access to closed files held under references HH16/364/1, HH16/364/2, HH16/364/3, HH16/364/4, HH16/364/5 and HH16/364/6.

**NRS Response:**

A sensitivity review has been undertaken on these files by the Scottish Prison Service (SPS). The files with references HH16/364/1-5 are now open for public inspection.

These can be viewed in the Historical Search Room at General Register House, 2 Princes Street, Edinburgh, EH1 3YY. Further information is available on our website at: <https://www.nrscotland.gov.uk/research/visit-us/historical-search-room>

Under section 25(1) of FOISA, we do not have to provide information if it is already reasonably accessible by inspection or copying, even if a payment has to be made for it.

SPS have decided to keep closed the appeal papers under reference number HH16/364/6. SPS has concluded that any meaningful insight would be lost after heavily redacting the personal information contained within this record as this information is exempt from release under section 38(1)(b) of FOISA.

An exemption under section 38(1)(b) of FOISA applies to the redacted information because it is personal data of third parties and disclosing it would contravene the data protection principles in Article 5(1) of the General Data Protection Regulation and in section 34(1) of the Data Protection Act 2018. This exemption is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exemption.