

Subject: Access to closed divorce record (CS258/1982/2038).

FOI reference: FOI/19/00332

Date received: 01 February 2019

Date responded: 12 March 2019

Information requested:

Access to closed divorce record (CS258/1982/2038).

NRS Response:

A sensitivity review has been undertaken on this material by the Scottish Courts and Tribunals Service (SCTS). As a result of this, some information in the file has been redacted due to sensitivity issues.

As the individuals involved in the divorce are thought to be alive their names and other sensitive information has been redacted. An exemption under section 38(1)(b) of FOISA applies to the redacted information as 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. Most of the names and personal details involved in the case have been redacted as it is not possible to determine whether these individuals are alive or deceased, as a death certificate could not be found in the statutory registers of Scotland.

In addition, some of the information contained in the file is exempt under section 38(1)(a) of FOISA (personal information of which the applicant is the data subject) and has thus also been redacted.

Should you wish to access the information relating to you contained in this file, you have the option of submitting a Subject Access Request directly to the data controller, SCTS. This can be done by contacting the Data Protection Team of STCS at dpo@sctcourts.gov.uk. More information on submitting a Subject Access Request to SCTS can be found by following the link below:

<https://www.scotcourts.gov.uk/about-the-scottish-court-service/contact-us/data-protection>

The redacted copy of the information is available in digital form at the National Records of Scotland.

This 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.