

**Subject:** Access to closed prison and court records held under reference numbers HH21/33/28, HH21/73/3, JC26/1991/243 and JC34/55/121.

**FOI reference:** FOI/19/02023

**Date received:** 29 August 2019

**Date responded:** 10 October 2019

**Information requested:**

Access to closed prison and court records held under reference numbers HH21/33/28, HH21/73/3, JC26/1991/243 and JC34/55/121.

**NRS Response:**

A sensitivity review has been undertaken on the prison registers by the Scottish Prisons Service (SPS). The information has been release in full and extract transcriptions are provided in the Annex to this letter. An extract has been produced as the information requested is contained in registers which contain, on the same page, many other people's sensitive data and therefore an extract is more appropriate than a heavily redacted copy.

Please note that we do not hold any other records concerning Albertus de Sain's imprisonment. We did not find an entry for Albertus de Sain in the Greenock Prison Long Terms Liberation Book (NRS.ref.: HH21/33/29) which is also cited in the request. This Liberation Book was searched between 1991-1997. We noted from the court records that he was also held at Barlinnie Prison (possibly in 1991) and Shotts Prison (possibly between 1991-1992). We do not hold these two prison registers for this time period. The Scottish Prisons Service possess these additional records and can be contacted by using the details below:

Scottish Prison Service Headquarters,  
Communications Branch  
Room G20  
Calton House  
5 Redheughs Rigg  
Edinburgh  
EH12 9HW  
Email: [gaolinfo@sps.pnn.gov.uk](mailto:gaolinfo@sps.pnn.gov.uk)

A sensitivity review has been undertaken by the Scottish Courts and Tribunals Service (SCTS) of the trial papers (NRS ref.: JC26/1991/243 ), for a second time, and also of the appeal case (NRS. Ref.: JC34/55/121).

After careful consideration, SCTS have decided that no further information can be released from the previously redacted version of JC26/1991/243. This is because the

record contains sensitive personal information about living individuals, and an exemption under section 38(1)(b) of FOISA applies to this information.

As a result of the sensitivity review of the appeal case some information has been released from this file. Redactions have been made to protect the identity of named individuals in the court papers that are presumed still alive. This information is personal data of third parties and an exemption under section 38(1)(b) of FOISA applies. Please note that this file is 881 pages in length.

The section 38(1)(b) exemption has been applied to the personal data of third parties because disclosing their information 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.

The redacted copy of the JC34/55/121 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.

## **ANNEX**

### Transcriptions from prison registers

Transcription from Greenock Prison admission register (NRS ref.: HH21/33/28):

Date: 19/11/1990

No.: 1639

Name: ALBERTUS DE SAIN 19.6.42

Sentence: 12 YRS

E.D.L: [a tick has been entered in this column]

Transcription from Noranside Prison liberation book (NRS ref.: HH21/73/3):

Date of Liberation: FRI 29-11-96

Reg. No.: 6475

Name: A DE SAIN.

Sentence: 12 YRS

Destination: [left blank]

Checked by: [left blank]

Private Cash: [left blank]

Remarks: [left blank]