

Subject: Access to Court of Session records held under reference numbers CS45/1264 (pages 425-427), CS254/3038, CS254/3826 and CS258/7348.

FOI reference: FOI/19/02191

Date received: 23 September 2019

Date responded: 29 October 2019

Information requested:

Access to Court of Session records held under reference numbers CS45/1264 (pages 425-427), CS254/3038, CS254/3826 and CS258/7348.

NRS Response:

A sensitivity review has been undertaken on CS254/3826 by the Scottish Courts and Tribunals Service (SCTS). The full record under reference CS254/3826 is now open for public inspection via our Historical Search Room. We believe that the bulk of this record has been merged with the other related records and only the cover remains.

A sensitivity review has also been undertaken on CS45/1264 (pages 425-427), CS254/3038, and CS258/7348 by the SCTS. As a result of this, some information in these files has been redacted due to sensitivity issues. CS45/1263 was cited in the original request, however, the extract decree was produced the following year, after the procedural time elapse of 21 days. Therefore, we have provided access to the relevant extract decree contained in CS45/1264.

An exemption under section 38(1)(b) of FOISA (personal information) applies to the information which has been redacted because it is personal data of a third party and disclosing it would contravene the General Data Protection Regulation and 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 version of these records are available in digital form at National Records of Scotland.

They 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.