

Subject: Request for access to closed criminal and prison records.

FOI reference: FOI/19/02321

Date received: 15/10/2019

Date responded: 19/11/2019

Information requested:

Access to closed criminal and prison records.

NRS Response:

NRS has the following records concerning James Gladstone Bryden under reference numbers: SC36/56/170, page 37 (Glasgow Sheriff Court Jury Trial register concerning James G. Bryden), SC37/55/15/1937/2 (Hamilton Sheriff Court criminal indictment against James G. Bryden), HH21/70/70 and HH21/70/76 (Barlinnie prison register), and HH21/32/91 (Duke Street prison register).

A sensitivity review has been undertaken on the jury trial record (SC36/56/170, page 37) and the criminal indictment (SC37/55/15/1937/2) by the Scottish Courts and Tribunals Service (SCTS). As a result of this, the jury trial record has been opened in full. However, some information in the criminal indictment has been redacted due to sensitivity issues.

An exemption under section 38(1)(b) of FOISA (personal information) applies to some the information in the criminal indictment which has been redacted because it is personal data of a third party. Disclosing this information 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 information concerns the personal details of the victims of the offence. These redactions will not hinder understanding of the criminal case.

Both the jury trial record and the redacted copy of the criminal indictment are available in digital form at National Records of Scotland.

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.

James Gladstone Bryden's case was first heard at Hamilton Sheriff Court and progressed to Glasgow Sheriff Court for a jury trial to take place. It appears that he was held at Barlinnie prison before being admitted to Duke Street Prison to carry out his sentence of six months with hard labour. We have made transcriptions from these registers and provided them in the Annex to this letter. The Scottish Prison Service permitted this information to be released in full as James G. Bryden is deceased.

Please note that he was also tried before the Central Police Court at Glasgow in 1943 for theft. NRS do not hold Police Court records but we can provide the prison record from this offence which is held by us under reference number HH21/70/76. The transcription of this record has also been included in the Annex to this letter.

To access Police Court records contact the [Mitchell Library](#) in Glasgow, which is the repository for such records. Their contact details are as follows:

Email address: libraries@glasgowlife.org.uk

Address: Mitchell Library, North Street, Glasgow, G3 7DN

Telephone: 01412872999

An extract has been produced from the prisons registers as the information requested is contained in a volume which contains, on the same page, many other people's sensitive data and therefore an extract is more appropriate than a heavily redacted copy. Personal data of third parties is exempt from release under section 38(1)(b) of FOISA as 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.

Access to HH21/26/1, Peterhead Prison Register 1919-1945, was also requested. We searched this record and found no trace of the person in it. This is a formal notice under section 17(1) of FOISA that National Records of Scotland (NRS) does not have this part of the information requested.

Transcriptions from prison registers

The following is an accurate transcription from the Barlinnie Prison register (NRS ref. HH21/70/70):

Registration No. and Sex: 1 M

Date of Admission: Jny 2 1937

Committing Magistrate or Court: Hamilton Sh S

Previous Imprisonments in any prison: [column struck through]

Name: James Gladstone Bryden

Age: 25

Height: 5 foot, 8 inches

Education: R.

Where Born: Holytown

Nationality: S

Prisoner's Home: 33 Silverbrown Crescent, Newarkhill

Occupation: Postman

Religion: C.S.

Health as reported by Medical Officer: Good

Offence: Contra. Post Office 1908 (4 charges), Uttering forged documents (4 charges)

Particulars of Trial: Jany, 18, Court: Sh. Sec 31, Where: Glasgow

Sentence if Convicted: 6 Mo H.L.

Liberated or Removed – Date: Feb 8, By whose authority: Dept., To what place: Duke Street

Remarks: [a tick] AP 1/33 {scored through]

The following is an accurate transcription from the Duke Street Prison register (NRS ref. HH21/32/91):

Registration No. and Sex: 39 M

Date of Admission: Feby 8 1937

Committing Magistrate or Court: P.D.

Previous Imprisonments in any prison: [column struck through]

Name: James Gladstone Bryden

Age: 25

Height: 5 foot, 8 inches

Education: R.

Where Born: Holytown

Nationality: S

Prisoner's Home: 33 Silverbrown Crescent, Newarkhill

Occupation: Postman

Religion: C.S.

Health as reported by Medical Officer: [left blank]

Offence: (1) Cont. Sec. 55 P.O. Act 1908 (theft of postal orders) (4 chges), (2) Uttering forged documents (4 chges)

Particulars of Trial: Jany, 18, Court: Sh. Sec 31, Where: Glasgow
Sentence if Convicted: 6 mos
Liberated or Removed – Date: June 18, By whose authority: SE, To what place: [left blank]
Remarks: [a tick]

The following is an accurate transcription from the Barlinnie Prison register (NRS ref. HH21/70/76):

Registration No. and Sex: 4835 M
Date of Admission: Nov 8 1943
Committing Magistrate or Court: Cent. Pol.
Previous Imprisonments in any prison: ? [written in pencil]
Name: James Gladstone Bryden
Age: 32
Height: 5 foot, 6 inches
Education: R.
Where Born: Holytown
Nationality: S
Prisoner's Home: No fixed
Occupation: Soldier
Religion: C.S.
Health as reported by Medical Officer: Good
Offence: [left blank]
Particulars of Trial: [left blank]
Sentence if Convicted: not disposed of
Liberated or Removed – Date: 15, By whose authority: To Court, To what place: [a tick and the word 'NO' and 'X' has been entered in this column]
Remarks: 11, DUKE STREET, SOLDIER