

Subject: Request for access to 1949 Aberdeen Sheriff Court and prison records held under references SC1/55/38 (pages 101a, 101b and 101c), SC1/55/39 (pages 108a and 109) and HH21/66/30.

FOI reference: FOI/19/02336

Date received: 16/10/2019

Date responded: 20/11/2019

Information requested:

Access to 1949 Aberdeen Sheriff Court and prison records held under references SC1/55/38 (pages 101a, 101b and 101c), SC1/55/39 (pages 108a and 109) and HH21/66/30.

NRS Response:

We have been able to trace the court action and prison index requested. These records are held by us under the reference numbers SC1/55/38, pages 101a, 101b and 101c (record of criminal jury trials at Aberdeen Sheriff Court), SC1/55/39 pages 108a and 109 (criminal indictment) and HH21/66/30 (Aberdeen prison Index for female prisoners for 1917-1964)

A sensitivity review has been undertaken on the jury trial record and criminal indictment by the Scottish Courts and Tribunals Service (SCTS). As a result of this, some information in the files has been redacted due to sensitivity issues.

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 redactions concern the personal information of cited victims of the crimes of Jane Falconer or McKay, and will not hinder understanding of the court case.

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

The Aberdeen prisoner index was reviewed by the Scottish Prison Service (SPS). As a result of this, the entry has been released in full and provided as a transcription below.

An extract has been produced from the prison index, as the information requested is contained in a register 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.

The following is an accurate transcription from the Aberdeen Prison Index for female prisoners 1917-1964 (NRS ref. HH21/66/30):

Name: Falconer or McKay, Jane

Age: 42

Height: 5 2 ½

Where born: Aberdeen

Reg. No.: 14

Unfortunately, the full Aberdeen prison register for this year has not been transferred to NRS by SPS. The prisoner index is the only record held by NRS in relation to Jane Falconer or McKay's admission into Aberdeen prison.

To access the full prison admission record contact SPS directly 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

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.