

Subject: Sight of summons lodged in at least 270 cases raised against a particular individual

FOI reference: Fol/18/00811

Date received: 12 March 2018

Date responded: 27 March 2018

Information requested:

Sight of summons lodged in at least 270 cases raised against a particular individual

NRS Response:

While our aim is to provide information whenever possible, in this instance the costs of locating, retrieving and providing all of the information you have requested would exceed the upper cost limit of £600. Under section 12 of FOISA public authorities are not required to comply with a request for information if the authority estimates that the cost of complying would exceed the upper cost limit, which is currently set at £600 by the Freedom of Information (Fees for Required Disclosure) (Scotland) Regulations 2004.

We have identified 273 cases lodged at the Court of Session which fall into the scope of your request. Each case comprises a bundle of mixed paperwork of which the summons is one constituent part, comprising on average around 12 pages of text. We have calculated it will take 45.5 hours of staff time to retrieve and locate the said pages, a further 65.5 hours of staff time to create digital surrogates of this information and a further 136.5 hours of staff time to conduct redaction of the material which is necessary to protect the sensitive personal information contained in each summons. In total it would take 247.5 hours of staff time to meet this request. Section 3(2)(b) of the Regulations requires that any estimate of the cost of staff time in locating, retrieving or providing the information shall not exceed £15 per hour per member of staff. Our calculations are limited to this hourly rate for staff time, though the actual costs of staff time may exceed this. We would only be able to devote 40 hours of staff time to meeting this request before the upper cost limit of £600 would be reached.

You may, however, wish to consider reducing the scope of your request in order that the costs can be brought below £600. Based on the calculations above, it would be practicable for us to locate, retrieve and prepare the information to 43 specific cases within the 40 working hours limit to which we operate. If you could supply the details, reference numbers or names of parties, of 43 particular cases of interest we would be able to meet your request.

I should note, however, that the sensitivity review which will be undertaken by the Scottish Courts and Tribunal Service (SCTS), the data controller of this information, will result in redaction of any personal information relating to living individuals. An exemption under section 38(1)(b) of FOISA (personal information) applies to the personal data of third parties as disclosing it would contravene the data protection principles in Schedule 1 to the Data Protection Act 1998. This exemption is not subject to the 'public interest test', so SCTS would not be required to consider if the

public interest in disclosing the information outweighs the public interest in applying the exemption.