

**Subject:** Details of a murder case from the sixties and of a drug case from around 25 years ago relating to John Wintour Scott Steele Robertson

**FOI reference:** Fol/18/00587

**Date received:** 20 February 2018

**Date responded:** 26 March 2018

**Information requested:**

Details of a murder case which happened in the sixties and details of a drug case from around 25 years ago relating to John Wintour Scott Steele Robertson.

The following records are held by us:

Reference	Description
JC26/1954/128	Trial papers relating to John Wintour Scott, John Wintour Scott Steele Robertson for the crime of culpable homicide and attempted housebreaking with intent to enter and steal. Tried at High Court, Edinburgh, 13 Jul 1954
JC34/4/153	Appeal by John Wintour Scott Steele Robertson, John Wintour Scott against conviction for the crime of culpable homicide and attempted housebreaking with intent to enter and steal, 22 Oct 1954
JC26/1994/893	Trial papers relating to Keir Scott Robertson, John Wintour Scott Steele Robertson for the crime of contravention of Misuse of Drugs Act 1971, sec. 4(3)(b); 5(3); and 5(2) at London; Edinburgh. Tried at High Court, Edinburgh, 1 Jul 1994
AD15/94/1270	Precognition against John Wintour Scott Steele Robertson and Keir Scott Robertson at High Court, Edinburgh, 1 Jun 1994
HH16/533	Criminal case file: John Wintour Scott Steel Robertson, 1954 – 1967
HH16/534/1	Criminal case file: John Wintour Scott Steel Robertson, 1970 – 1973

**NRS Response:**

A sensitivity review has been undertaken on this material by the Scottish Courts and Tribunals Service (records with references beginning JC), the Scottish Prison Service (records with references beginning HH), and the Crown Office and Procurator Fiscal Service (record with reference AD15/94/1270). As a result of this, some information in these files has been redacted due to sensitivity issues, some of

the information has been released in its entirety, and some of the information has been withheld. Where information is withheld an explanation of the exemptions applied is given below:

<b>Reference</b>	<b>Decision</b>
JC26/1954/128	Partial release. An exemption under section 38(1)(b) of FOISA (personal information) applies to some of the information because it is personal data of a third party. A copy of the information with the personal data redacted from it is available in digital form at the National Records of Scotland.
JC34/4/153	Partial release. An exemption under section 38(1)(b) of FOISA (personal information) applies to some of the information because it is personal data of a third party. A copy of the information with the personal data redacted from it is available in digital form at the National Records of Scotland.
JC26/1994/893	Refuse. An exemption under section 38(1)(b) of FOISA (personal information) applies to all of the information because it is personal data of a third party. As such it will not be available for public consultation for 100 years.
AD15/94/1270	Refuse. Exemptions under section 34(1)(a), (b) and (c) of FOISA (investigations by Scottish Public Authorities and proceedings arising out of such investigations) apply to all of this information. As such it will not be available for public consultation for 100 years.
HH16/533	Release. This file is now open: a physical file is available in for consultation in the NRS Historical Search Room
HH16/534/1	Release. This file is now open: a physical file is available in for consultation in the NRS Historical Search Room
HH16/534/2	Refuse. An exemption under section 38(1)(b) of FOISA (personal

	information) applies to all of the information because it is personal data of a third party. As such it will not be available for public consultation until 01/01/2074.
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The reasons why the exemptions apply are explained in the annex.

The open physical records and digital images of redacted records 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 you with information if it is already reasonably accessible by inspection or copying, even if a payment has to be made for it.

## **ANNEX**

### **REASONS FOR NOT PROVIDING INFORMATION**

#### Section 38(1)(b) exemption

An exemption under section 38(1)(b) of FOISA (personal information) applies to the information which is personal data of a third party because 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 we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exemption.

#### Section 34 exemptions

Exemptions under section 34(1)(a), (b) and (c) of FOISA (investigations by Scottish Public Authorities and proceedings arising out of such investigations) apply to AD15/94/1270 because it is information which has been held by the Crown Office and Procurator Fiscal Service (COPFS) for the purposes of criminal investigations and the institution of criminal proceedings.

COPFS apply section 34(1) exemptions to all precognition and appeal records.

There is no harm test in any of these exemptions – information will be exempt simply because it has, at some point, been held by an authority for any of the purposes described under section 34(1). These exemptions are subject to the 'public interest test'. COPFS recognise that while there may be some public interest in the disclosure of information about individual cases, there is a greater public interest in withholding all information relating to criminal investigations in order not to compromise the informant and witness system, which is essential for an effective justice system. They believe that witnesses would be inhibited from co-operating in criminal investigations if there was a possibility that the information they gave could be disclosed under FOISA, and that the possibility of disclosure would undermine the informant system.

The section 34 exemptions can be applied in perpetuity, subject to public interest. COPFS do not, however, wish this information to be exempt forever and have decided to remove the exemption after 100 years.