

Subject: Access to closed divorce records (CS258/21538 and CS258/40053).

FOI reference: FOI/19/00608

Date received: 04 March 2019

Date responded: 09 April 2019

Information requested:

Access to closed divorce records (CS258/21538 and CS258/40053).

NRS Response:

A sensitivity review has been undertaken on this material by the Scottish Courts and Tribunal 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 applies to this information because it is personal data of third parties and 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. 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. Some names and personal details divulged in the judgement have been redacted as it is not possible to determine whether these individuals are alive or deceased, as a death certificate could not be found in the statutory registers of Scotland.

Redacted copies of CS258/21538 and CS258/40053 have been made available in digital form at the 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.