

Subject: Access to criminal records held under reference numbers JC26/1996/1284, JC26/1997/231, JC34/1997/455 and JC69/183 pages 4-6, 10, 18-24, 28-31.

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Information requested:

Access to criminal records held under reference numbers JC26/1996/1284, JC26/1997/231, JC34/1997/455 and JC69/183 pages 4-6, 10, 18-24, 28-31.

NRS Response:

A sensitivity review has been undertaken on this material by the Scottish Courts and Tribunals Service (SCTS). As a result some information in JC26/1996/1284, JC34/1997/455 and JC69/183 pages 4-6, 10, 18-24, 28-31 has been redacted due to sensitivity issues. JC26/1997/231 will remain closed to the public.

SCTS have released redacted (blocked out) copies of the original High Court action (JC26/1996/1284). An exemption under section 38(1)(b) of FOISA applies to the redacted 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 applies as several of the named individuals involved in this case are believed to be alive.

SCTS have decided to keep the trial papers (JC26/1997/231) closed to public access in their entirety. This record contains extensive personal information of living named individuals. SCTS concluded that any meaningful insight in to this case would be lost after heavy redaction of this sensitive information due to exemption under section 38(1)(b) of FOISA.

The minute book entry of the case (JC69/183 pages 4-6, 10, 18-24, 28-31), which summarizes the court hearings in relation to this trial, have also been reviewed and partially released. Personal information of living individuals within this record has been redacted. This information is exempt from release under section 38(1)(b) of FOISA.

The appeal (JC34/1997/455) has also been reviewed by SCTS. Personal information of people involved in the case, who are believed to be alive, has been redacted due to an exemption under section 38(1)(b) of FOISA.

Redacted copies of JC26/1996/1284, JC69/183 pages 4-6, 10, 18-24, 28-31 and JC34/1997/455 have been made available 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 you with information if it is already reasonably accessible by inspection or copying, even if a payment has to be made for it.