

**Subject:** Access to closed Sheriff Court records (SC50/28/5)

**FOI reference:** FOI/18/01536

**Date received:** 31 May 2018

**Date responded:** 29 June 2018

**Information requested:**

Access to closed Sheriff Court records (SC50/28/5)

**NRS Response:**

While our aim is to provide information whenever possible, in this instance we are unable to provide the information requested because an exemption under section 38(1)(b) (personal information of a third party) of the Freedom of Information (Scotland) Act (FOISA) applies to that information 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.

It is worth noting that in the modern period the court papers of summary cases tried before sheriff courts are destroyed after 10 years, when the conviction is considered 'spent'. The information about a case in a criminal and quasi-criminal roll book such as SC50/28/5 will only be very brief and not usually amount to more than a single line entry.