

Subject: Access to Scottish criminal case records and divorce papers (JC15/60 pages 79-84; JC11/125 pages 16-21 and 24-25; and CS258/44401).

FOI reference: FOI/18/03320

Date received: 03 November 2018

Date responded: 19 December 2018

Information requested:

Access to Scottish criminal case records and divorce papers (JC15/60 pages 79-84; JC11/125 pages 16-21 and 24-25; and CS258/44401).

NRS Response:

A sensitivity review has been undertaken on this material by the Scottish Courts and Tribunals Service. As a result of this, some information in the files has been redacted due to sensitivity issues.

In relation to the North Circuit Court Minute Book (ref. JC11/125 - the case in question appears on the pages 16-21 and 24-25 inclusive) 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. The redacted information relates to the names of the jurors of the trial and some of the named witnesses, where it was not possible to determine whether they were deceased or not.

In relation to the Court Book of Adjournal (ref. JC15/60 - the case in question appears on the pages 79-84 inclusive) 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. The redacted information relates to the names of the witnesses who gave evidence, as it was not possible to determine whether they were deceased or not.

In relation to CS258/44401 (divorce case) 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. The redacted information relates to the names of the children from the marriage. In addition, some of the information is exempt from release under section 38(1)(a) of FOISA and has thus also been redacted.

The redacted copies of JC15/60 pages 79-84; JC11/125 pages 16-21 and 24-25; and CS258/44401 are available in digital form at National Records of Scotland. They 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.