

Subject: Access to Court of Session records (CS258/1991/2471).

FOI reference: FOI/18/03449

Date received: 19 November 2018

Date responded: 19 December 2018

Information requested:

Access to Court of Session records (CS258/1991/2471).

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 file has been redacted due to sensitivity issues.

This file contains information relating to a deceased person's health record. This information has been redacted as an exemption under section 38(1)(d) of FOISA applies. There is a common law duty of confidence to patients and these ethical obligations extend even after the patient's death. The exemption under section 38(1)(d) is time limited to 100 years. 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. This exemption applies to 3 pages of the court process.

The redacted copy of CS258/1991/2471 is available in digital form at National Records of Scotland. The redacted file 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.