

Subject: Access to closed prison records for James McNair from 1956 (HH21/48/8, HH16/341 and JC26/1956/58).

FOI reference: FOI/18/02083

Date received: 05 August 2018

Date responded: 11 September 2018

Information requested:

Access to closed prison records for James McNair from 1956 (HH21/48/8, HH16/341 and JC26/1956/58).

NRS Response:

We were unable to trace an admission record for James McNair at Barlinnie Prison as you requested, but did find his admission to Perth Criminal Lunatic Department in September 1956. We have transcribed the relevant extract below.

An extract has been produced as the information requested is contained in registers which contain, on the same page, many other people's sensitive data. An exemption under section 38(1)(b) of FOISA (personal information) applies to the information which has been redacted because it is personal data of a third party 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.

The following is an accurate transcription from HH21/48/8 - Perth Criminal Lunatic Department detailing James McNair's admission:

Register Number and Sex: M 16/56

Date of Admission: 1956 September 6

Name: James McNair

Age on Admission: 44

Height: Ft: 5, Inches: 2

Married or Single: S

Where born or Whence Brought: Barlinnie Prison

Home and Friend's Address: Father: 277295 Braidside Drive, North Burnaby, Vancouver, Canada

Occupation: Nil.

Religion: R.C.

Health on Admission Reported by Medical Officer: [left blank]

Offence of Which Accused or Convicted: Murder

Particulars of Trial: Date: 4.9.56, Court: High Ct, Where: Glasgow, Judgment of Court or Other Judicial Procedure: Insane in Bar of Trial, H.M. Pleasure

Judicial Finding &c.: [left blank]

Previous Imprisonments: [left blank]

Liberated or Removed: Date: 1957 October 1, By Whose Authority: Transferred to State Mental Hospital Carstairs under Sec. 63 of C.J. Act 1949

A sensitivity review has been undertaken on JC26/1956/58 – Trial papers for James McNair, by the Scottish Courts and Tribunals Service. As a result of this, some information in the files has been redacted.

An exemption under section 38(1)(b) of FOISA (personal information) applies to the information which has been redacted because it is personal data of a third party 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. Also an exemption under section 38(1)(d) (deceased person’s health record) applies to the information which has been redacted because it is personal data of a third party and disclosing it would contravene the General Data Protection Regulation and Data Protection Act 2018.

The redacted copy of the information contained in JC26/1956/58 is available in digital form at the National Records of Scotland.

The file HH16/341 – Criminal Case File for James McNair has been reviewed by the Scottish Prison Service. The full file is now open for public inspection.

All of the information contained in HH16/341 is available in digital form at the National Records of Scotland.

This 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.