

Subject: Access to closed court record (SC36/56/254).

FOI reference: FOI/18/02200

Date received: 16 August 2018

Date responded: 20 September 2018

Information requested:

Access to closed court record (SC36/56/254).

NRS Response:

A sensitivity review has been undertaken on SC36/56/254 by the Scottish Courts and Tribunals Service. As a result of this, some information in the files has been redacted due to sensitivity issues.

An exemption under section 38 (1)(b) of FOISA (personal information of a third party) 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. As a consequence some names and personal details involved in the case have been redacted as it is not possible to determine whether these individuals are alive or deceased, as a death certificate could not be found in the statutory registers of Scotland.

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 copy of the information 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.