

Subject: Access to 1973 Hamilton Sheriff Court records (SC37/55/21, items 318-321).

FOI reference: FOI/18/02945

Date received: 11 October 2018

Date responded: 20 November 2018

Information requested:

Access to 1973 Hamilton Sheriff Court records (SC37/55/21, items 318-321).

NRS Response:

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

Some of the redacted information relates to sensitive personal information of named individuals who are believed to be alive as statutory death certificates could not be traced for them. 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.

In addition, some of the information contained in the file relates to the applicant. This information is exempt under section 38(1)(a) of FOISA (personal information of which the applicant is the data subject) and has thus also been redacted.

Should you wish to access the information relating to you contained in this file, you have the option of submitting a Subject Access Request directly to the data controller, SCTS. This can be done by contacting the Data Protection Team of SCTS at dpo@scotcourts.gov.uk. More information on submitting a Subject Access Request to SCTS by following the link below:

<https://www.scotcourts.gov.uk/about-the-scottish-court-service/contact-us/dataprotection>

This file also contains information relating to a deceased person's health record. This information has also 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.

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.