

**Subject:** Access to High Court records relating to Ian Waddell (JC26/1970/211 and JC36/404).

**FOI reference:** FOI/18/03117

**Date received:** 25 October 2018

**Date responded:** 27 November 2018

**Information requested:**

Access to High Court records relating to Ian Waddell (JC26/1970/211 and JC36/404).

**NRS Response:**

A sensitivity review has been undertaken on this material by the Scottish Courts and Tribunals Service (SCTS). As a result of this, JC36/404 has been opened in full for public inspection. As JC26/1970/211 contains personal information some of the information in the file has been redacted.

The redactions in JC26/1970/211 are limited to the list of assize. It has not been possible to ascertain whether these listed individuals are deceased or not. 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.

Both files are accessible in digital form at National Records of Scotland. These files 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.