

Subject: Access to the Court of Session records (CS348/2007/7368).

FOI reference: FOI/18/03542

Date received: 27 November 2018

Date responded: 12 February 2019

Information requested:

Access to the Court of Session records (CS348/2007/7368).

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 files has been redacted due to sensitivity issues.

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.

This file also contains extensive 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. Please note that this file has been heavily redacted in consequence of this exemption. 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>.