

**Subject:** Access to Criminal Case File (The Kosmo Club immorality case, Edinburgh), 1933-1934 (HH16/1).

**FOI reference:** FOI/18/03728

**Date received:** 14 December 2018

**Date responded:** 29 January 2019

**Information requested:**

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**NRS Response:**

A sensitivity review has been undertaken on this material by the Scottish Prisons 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 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. The names and addresses of the witnesses of court have been redacted, as it is not possible to ascertain whether these individuals are still alive or not. Also the named dancers involved in the case have been redacted as it was not possible to confirm 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.