

**Subject:** Access to closed court record, 1937 (CS46/1937/11/78).

**FOI reference:** FOI/19/01100

**Date received:** 18 April 2019

**Date responded:** 23 May 2019

**Information requested:**

Access to closed court record, 1937 (CS46/1937/11/78).

**NRS Response:**

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

This file contains information relating to a deceased person's health record. This information has been redacted as an exemption under section 38(1)(d) of FOISA applies. A common law duty of confidence applies to an individual's health information and these ethical obligations extend even after the individual'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. This redaction is restricted to 2 pages of the court process.

The redacted copy of the information is available in digital form at the National Records of Scotland via the Virtual Volumes software.

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.