

**Subject:** Access to closed court and prison records held under reference numbers JC26/1928/76, HH21/26/1 and HH21/32/141.

**FOI reference:** FOI/19/02110

**Date received:** 11 September 2019

**Date responded:** 11 October 2019

**Information requested:**

Access to closed court and prison records held under reference numbers JC26/1928/76, HH21/26/1 and HH21/32/141.

**NRS Response:**

A sensitivity review has been undertaken on the trial papers (NRS ref.: JC26/1928/76) by the Scottish Courts and Tribunals Service (SCTS). As a result of this review, some information in the file has been redacted due to sensitivity issues.

An exemption under section 38(1)(b) of FOISA applies to the redacted 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.

The redacted information concerns the names and addresses of some of the named witnesses called to the trial to give evidence. The redaction of this information will not hinder insight into the case. 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.

A sensitivity review has been undertaken on the Register of Convicts for Peterhead Prison (NRS ref.: HH21/26/1, page 22) by the Scottish Prisons Service. They have made the information concerning the admission of Hugh Fulton Leckie to Peterhead Prison available in full via the transcription, below.

An extract has been produced as the information requested is contained in registers which contain, on the same page, many other people's sensitive data and therefore an extract is more appropriate than a heavily redacted copy. Personal data of third parties is exempt from release under section 38 (1) (b) of FOISA as 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 following is an accurate transcription from the Register of Convicts for Peterhead Prison, 1919-1945 (NRS ref.: HH21/26/1, page 22):

Received from – Place: Duke St. Glasgow, Date: 24.7.28

C/No.: 3493

Name: Hugh Fulton Leckie

Nationality: S

Religion: C.S.

Age: 55

Convicted – Where: H.C. P.G. Glasgow, Date: 5.7.28

Crime: 3 chges of uttering as genuine pretended receipts the signatures and initials on which were forged. 3 chges of uttering as genuine false & fabricated receipts and 2 chges of fraud. (obtaining by false practices sums of money amt. of £11,934 7.3

Previous Convictions: [left blank]

Sentence in years – P.S.: 4 [in pencil the number 1 has been ringed], P.D.: [left blank, however, in pencil the number 15 has been ringed]

Remanent of former sentence: [left blank]

Eligible for remission by scale: 6.7.31

Earliest Date to P.D.: [left blank]

Prev. No.: [left blank]

First Admn to Prison: 12.4.28

Occupation: Engrs Furnisher

Removed or Discharged – Place: Edinburgh, Date: 6.7.31

Licence No.: 35187/1

Remarks: [left blank]

It appears that Hugh Fulton Leckie was held at Duke Street Prison, pending trial at Glasgow High Court. This record is open to public access under (NRS ref.: HH21/32/141). However, we have supplied this information as a transcription, below :

The following is an accurate transcription from the Duke Street Prison register (NRS ref. HH21/32/141):

Registration No. and Sex: 926 M

Date of Admission: Apr 12 1928

Committing Magistrate or Court: Sh

Previous Imprisonments in any prison: [a tick entered in this column]

Name: Hugh Fulton Leckie

Age: 56

Height: 5 foot, 3 3/4 inches

Education: 2

Where Born: Campbelltown

Nationality: S

Prisoner's Home: None fixed

Occupation: Engineers Traveller

Religion: CS

Health as reported by Medical Officer: Good

Offence: Uttering . 3 charges. Fraud (2 chgs)

Particulars of Trial: Date: July 5, Court: High Cl. P.G., Where: Glasgow

Sentence if Convicted: P.S. 4 years

Liberated or Removed – Date: July 25, By whose authority: Commrs, To what place:  
Peterhead

Remarks: [a tick]