

**Subject:** Access to closed divorce records (CS348/2005/920)

**FOI reference:** FOI/18/01226

**Date received:** 26 April 2018

**Date responded:** 18 May 2018

**Information requested:**

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**NRS Response:**

While our aim is to provide information whenever possible, in this instance we are unable to provide the information requested because exemptions under section 38(1) (personal information) apply to the information requested because it is either personal data of a data subject or of third parties. Personal data of a data subject is subject to the Data Protection Act 1998. Disclosing personal data of a third party would contravene the data protection principles in Schedule 1 to the Data Protection Act 1998. These exemptions are 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.

We are therefore unable to provide with an un-redacted access to this information. This means that access could be granted only to a version which had all personal information relating to living individuals removed.

A third party data access request can be made directly to the Scottish Courts and Tribunal Services (SCTS) under the Data Protection Act section 35 (Disclosures required by law or made in connection with legal proceedings etc.). As the data controller SCTS will be able to facilitate the un-redacted access.

We would therefore recommend to contact SCTS ([dpo@scotcourts.gov.uk](mailto:dpo@scotcourts.gov.uk)) to request a copy.