

SCOTTISH COURT SERVICE PUBLICATION SCHEME

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1. Introduction, Aims and Purpose

The Freedom of Information (Scotland) Act 2002 gives a general right of access to all types of recorded information held by public authorities, sets out exemptions from that right and places a number of obligations on public authorities.

This right of access will be brought into force for all public authorities in January 2005.

In support of Freedom of Information, section 23 of the Freedom of Information (Scotland) Act 2002 requires public authorities to adopt and maintain a publication scheme. The purpose of the scheme is to ensure that a significant amount of information is made readily available to the public. Schemes are intended to encourage authorities to publish more information and to develop a greater culture of openness. Public authorities are required to specify:

- the classes of information it publishes or intends to publish
- the manner in which it intends to publish the information; and
- whether the information is available free of charge or on payment of a fee.

This is the Scottish Court Service publication scheme. It covers the Supreme Court and Sheriff Courts. It does not cover the District Courts, which are the responsibility of local authorities.

The scheme is intended to be flexible to allow for future expansion and/or revision of the scheme.

2. About The Scottish Court Service

The Scottish Court Service (SCS) is an Executive Agency, which is responsible for the speedy, efficient and cost effective administration of the Supreme and Sheriff Courts. The Agency is part of the Scottish Executive Justice Department.

The Supreme Courts include the Court of Session, High Court of Justiciary and the Offices of the Accountant of Court and Public Guardian. There are 49 Sheriff Courts located throughout Scotland.

The SCS aims *to help secure ready access to justice for the people of Scotland*. The following key objectives support the aim:

- to provide the staff and services required to meet the needs of the judiciary and court users.
- to provide courthouses of appropriate size and quality.
- to secure value for money and to manage the Agency's resources efficiently, effectively and with due regard for economy.

3. Exemptions

The Scottish Court Service aims to be as open as possible. However, information may be withheld from any of the classes of information listed below where we consider that disclosure may seriously prejudice law enforcement, legal proceedings or our regulatory or enforcement activity, or where the disclosure is otherwise prohibited by law. We may also withhold information if its disclosure would breach the law of confidentiality or seriously prejudice the commercial interests or confidentiality of any person or organisation. In addition, we may withhold information, which is personal information under the Data Protection Act 1998.

Where we withhold information we will indicate why the information is being withheld. If you wish to complain about information that is being withheld from you, please read the 'Maintenance of the Scottish Court Service Publication Scheme' section below.

In addition to information on the work of the Agency, the SCS holds information, which forms court records. The Freedom of Information (Scotland) Act 2002 gives **absolute exemption** to court records. This means that the provisions of the Act do not apply to court records. Court Records are defined at section 37 of the Act.

Please note that the Freedom of Information (Scotland) Act 2002 does not alter existing arrangements regarding access to information contained in court records.

4. How to access information from this Publication Scheme

Information included in the Scottish Court Service publication scheme will be available on our web site www.scotcourts.gov.uk A link will take you to the relevant document. Where the information is only available electronically this is indicated. For those without access to the web-site or those wishing to make a request for information in paper form (where available) the Scottish Court Service can be contacted in the following ways.

Enquiry Line: 0131 221 6771
E Mail: foi@scotcourts.gov.uk
Fax: 0131 221 6894
Postal address: The Freedom of Information Officer
Scottish Court Service Headquarters
Hayweight House
23 Lauriston Street
EDINBURGH
EH3 9DG

Information is also available from the Sheriff Courts and Supreme Courts and contact details for each site can be found at Appendix A.

The Scottish Court Service subscribes to Typetalk and Languageline.

You may need to make an appointment to view information. You should contact the enquiry line when you will be advised of the location of the information and directed to the appropriate contact. Alternatively, if you are aware of the location of the information, you may make direct contact, details for which can be found at Appendix A.

5. Charging Policy

There is no charge to users for information, which can be downloaded, from the Scottish Court Service web-site. For those without access to the web-site a single printout as on the web-site or, where available, a hard copy of the document can be requested. These will be provided free of charge. However, requests for multiple printouts of material on the web-site, for archived copies of documents that are no longer available on the web-site, or for multiple hard copies, may attract a charge for the cost of retrieval, photocopy, postage etc. If charges are to be made you will be told at the time of your request and these would be payable in advance. The search and photocopying charge is regulated and contained in schedules to Sheriff Court Fees Order 1997 http://www.scotland-legislation.hmso.gov.uk/cgi-bin/htm_hl.pl?DB=hmso-new&STEMMER=en&WORDS=sheriff+court+fee+order+&COLOUR=Red&STYLE=s&URL=http://www.hmso.gov.uk/si/si1997/97068701.htm#muscat_highlighter_first_match and Court of Session etc. Fees Order 1997 http://www.scotland-legislation.hmso.gov.uk/cgi-bin/htm_hl.pl?DB=hmso-new&STEMMER=en&WORDS=court+session+etc+fees+order+&COLOUR=Red&STYLE=s&URL=http://www.hmso.gov.uk/si/si1997/97068801.htm#muscat_highlighter_first_match and royal mail postal charges apply.

Copyright Statement

The Scottish Court Service is a Crown body and the information we produce is subject to Crown copyright, which is administered by the Queen's Printer for Scotland. The material listed in this Publication Scheme is Crown copyright unless stated otherwise. The copyright in some of the material, which may be found in this Publication Scheme, has been waived. This means that you can re-use this material freely. Categories of material for which copyright has been waived include: legislation and explanatory notes on the legislation, documents featured on official websites (except where expressly indicated otherwise), headline statistics and unpublished public records. More details of these and other categories can be found at: http://www.oqps.gov.uk/copyright/pubcopyright_gn.htm.

For other types of material, the supply of documents under Freedom of Information does not give the person or organisation who receives them an automatic right to re-use the documents in a way that would infringe copyright, for example, by making multiple copies, publishing and issuing copies to the public.

Brief extracts of any of the material included in this Publication Scheme may be reproduced under the fair dealing provisions of the Copyright, Designs and Patents Act 1988 (sections 29 and 30) for the purposes of research for non-commercial purposes, private study, criticism, review and news reporting.

Details of the arrangements for re-using Crown copyright material can be found on HMSONline in the Click-Use Licences section

<http://www.hmso.gov.uk/copyright/licences/click-use-home.htm> or by contacting OQPS at:

OQPS Licensing Division
St Clements House
2-16 Colegate
Norwich

NR3 1BQ

Tel: 01603 621000

Fax: 01603 723000

E-mail: OQPS Licensing <<mailto:ogpslicensing@cabinet-office.x.gsi.gov.uk>>

Authorisation to re-use copyright material not owned by the Crown should be sought from the copyright holders concerned. If in doubt, users should contact OQPS in the first instance.

6. Classes of Information

Listed below are the classes of information that the Scottish Court Service publishes or intends to publish. Please read section 4 above for guidance on how information can be accessed and section 5 above in respect of charges that may be applied.

This publication scheme does not contain all of the information held by the Scottish Court Service. Information may be withheld from any of the classes of information listed below where we consider that disclosure may seriously prejudice law enforcement, legal proceedings or our regulatory or enforcement activity, or where the disclosure is otherwise prohibited by law. We may also withhold information if its disclosure would breach the law of confidentiality or seriously prejudice the commercial interests or confidentiality of any person or organisation. In addition, we may withhold information which is personal information under the Data Protection Act 1998. Where we withhold information we will indicate why the information is being withheld. If you wish to complain about information that is being withheld from you, please read the 'complaints' section below.

The Scottish Court Service web-site at www.scotcourts.gov.uk provides details of Scottish Court Service publications and other material placed into the public domain. Publications can be downloaded from the site, obtained by contacting the Scottish Court Service (contact details at section 4 above) or

The Stationery Office Bookshop, 71 Lothian Road, Edinburgh, EH3 9AZ

Tel: 08706065566

Fax: 08706065588

E-mail: tsobookshop.Edinburgh@theso.co.uk

The Stationery Office Bookshop may charge for these publications.

- **Agency Plans and Performance**
- **Standards of Service guidance and performance**
- **Court guidance leaflets**
- **Court Forms**
- **Lists of daily Court Business**
- **Current lists of orders made under section 4(2) of the Contempt of Court Act 1981 and section 46(1) of the Children and Young Persons (Scotland) Act 1937**

- **Diversity Policy**
- **SCS Staff Handbook** (available free of charge in electronic format)
- **SCS Recruitment Manual**
- **SCS Partnership agreement with Trade Union**
- **Corporate Training Strategy**

7. Maintenance of the Scottish Court Service Publication Scheme

The Freedom of Information (Scotland) Act 2002 requires public authorities not only to maintain a publication scheme approved by the Scottish Information Commissioner but also to review the scheme from time to time.

This is the first publication scheme produced by the SCS to comply with the requirement under the Freedom of Information (Scotland) Act 2002. The Classes of Information detailed in section 6 above cover the type of information which SCS hold, the disclosure of which would not, in the majority of cases, be prohibited by law. Consideration was given to the type of information that we currently receive requests for and also that, which although not currently subject to request or publication, may be in the interest of the public to disclose, such as our staffing policies. The scheme will be improved in line with feedback from those using the scheme.

As part of this process we would be glad to receive any comments or suggestions on the publication scheme and in particular comments from users on their experiences in obtaining information from the Scheme. Comments or suggestions for particular classes of information to which we might in future commit to publishing under the scheme would also be welcomed.

Comments or suggestions should be forwarded to the Freedom of Information Officer whose contact details are set out under Complaints (below).

The Freedom of Information Act 2002 comes into force in January 2005 however, some parts are already in force, or will come into force prior to that date, as detailed in commencement orders.

The Scottish Information Commissioner is responsible for enforcing the Freedom of Information (Scotland) Act 2002 across public authorities (see contact details below).

8. Complaints

If you have a complaint about the operation of this publication scheme please write or send an e-mail to the Freedom of Information Officer who is responsible for maintaining the Scottish Court Service publication scheme:-

Robert Gordon
Freedom of Information Officer
Scottish Court Service Headquarters
Hayweight House
23 Lauriston Street

Edinburgh
EH3 9DG
Email: RGordon@scotcourts.gov.uk

If we are unable to resolve any complaint, you can complain to the Scottish Information Commissioner. When the general right of access comes into force on 1 January 2005, there will be a formal appeal mechanism when information is withheld. Further details on this will be available on the Commissioner's website before that date www.itspublicknowledge.info

The Commissioner can be contacted as follows

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS
Tel: 01334 464610
Fax: 01334 464 611
E-mail: enquiries @itspublicknowledge.info

Overall responsibility for the Scottish Court Service's publication scheme lies with the Chief Executive.
She can be contacted at:

The Chief Executive
Scottish Court Service Headquarters
Hayweight House
23 Lauriston Street
Edinburgh
EH3 9DG

Tel: 0131-221 6824
Fax: 0131-221 6895

E-mail: EEmberson@scotcourts.gov.uk