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Dear Mr Greene

**SCOTTISH PARLIAMENTARY QUESTION S6W-17012 & S6W-17013
PUBLIC ACCESS TO FATAL ACCIDENT INQUIRY (FAI) RECORDS**

The Cabinet Secretary in his response to the above PQ's indicated that it related to operational matters within the responsibility of the Scottish Courts and Tribunals Service (SCTS) corporate body. I am now writing in response to the matters raised.

S6W-17012 asks: *To ask the Scottish Government what consideration it has given to improving the (a) ease and (b) consistency of public access to Fatal Accident Inquiry records, in light of reports that only the 50 most recent records from 2022 onwards are easily accessible on the Scottish Courts and Tribunal Service website, without the use of the search function.*

All FAI determinations published on the SCTS website are available to view.

Whilst the 50 most recent determinations are noted on the FAI landing page, all previously published determinations are available to view by selecting 'Unlimited' in the 'Results to Show' field of our advanced search function.

The wording on this section of the SCTS website did not previously make this option clear. In order to improve the ease and consistency of public access in this respect, the wording was updated in early April 2023 to make it explicit that this option was available to website users seeking access to determinations that do not feature amongst the list of those most recently published.

S6W-17013 asks: *To ask the Scottish Government what recent changes have been made to the ability of the public to access Fatal Accident Inquiry records, including any related changes made on the Scottish Courts and Tribunals Service website.*

A temporary closure of public access to FAI records archived at National Records for Scotland was formally requested by SCTS on 24 February 2023. This is in respect of records from 1923 onwards.

The reason for the temporary closure is that records of this nature may contain personal and sensitive personal data of living individuals. The SCTS as a responsible data controller, and in accordance with data protection legislation, could not allow these records to remain open without an appropriate risk assessment being undertaken.

A review of the arrangements currently in place and appropriate future arrangements is under way. SCTS expect to have reached a decision concerning the long term public access to these records by the end of the review period on 25 May 2023.

I should make clear that these records are not inaccessible during this period. The option remains open to any person to submit an FOI request to the SCTS for any such FAI record throughout this review process. A response to any FOI request will be provided as soon as possible and in any event prior to the 20 working day statutory deadline.

All outcomes remain open at this point. SCTS continue to engage with NRS during this review, including 'opening' any FAI record where appropriate, in response to FOI requests received.

There has been no change to access to published FAI determinations on the SCTS website. These continue to be published on the SCTS website in accordance with the Fatal Accident and Sudden Deaths Act 2016.

A copy of this letter will be placed in the Scottish Parliament Information Centre and published on the Scottish Courts and Tribunals Service website.

Yours sincerely



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