



Crown Office and  
Procurator Fiscal  
Service

Crown Office and Procurator Fiscal Service  
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MMA Legal Limited  
43-59 Princes Street  
Stockport  
SK1 1RY

Your ref: 100062  
Our ref: R-18177-26

Date: 11 May 2026

Dear MMA Legal,

**SUBJECT ACCESS REQUEST – RESPONSE**  
**YOUR CLIENT: JAMES MOFFAT JACKSON (D.O.B. 26/01/1974)**

The Information Commissioner's guidance states that where a third party makes a SAR on behalf of someone else, this organisation should respond to the requester as if we were responding directly to the person the information is about.

Please note that your email listed your clients date of birth as 26/05/1974, however his passport listed his date of birth as 26/01/1974. Both dates were using during the search for your client's data.

Moving on to your request.

Dear James Moffat Jackson,

**SUBJECT ACCESS REQUEST – RESPONSE**

I refer to an email received by the Crown Office and Procurator Fiscal Service's Subject Access Requests team on 27 April 2026 concerning a subject access request submitted on your behalf by your solicitor.

Your solicitor is representing you in a Redress application respect of your time in residential care in two institutions.

**Your solicitors request.**

*'We request disclosure of all personal data held in relation to our client, across all systems and formats, including but not limited to: Admission and discharge records Full placement history, including transfers between care settings Social work records, case files, and assessments. Daily logs, key worker notes, and case notes Incident reports, safeguarding records, and protection referrals Case conference notes, reviews, and internal assessments Complaints, investigations, and outcomes*

*Correspondence between staff, local authorities, and external agencies Records shared with or held by third-party care providers acting on your behalf Medical, psychological, or educational records held within the care file Photographs or other documentation relating to our client's time in care Records identifying staff members and roles involved in their care'*

*'Andrew Thompson School: 1982'*

*'Oak Bank School: 1986'*

### **Our response**

Your solicitor has requested all of your personal data held by this organisation in respect of the institutions listed above.

This organisation values the personal information entrusted to us and will make sure we respect that trust. Where we respond to a subject access request submitted by a third party on the data subject's behalf, we will limit the personal data we provide to that data which is relevant for the purpose for which you are being represented.

Using your name, date of birth and the above locations as search criteria I have been unable to locate any cases involving you that relate to a care setting. I have contacted the Scottish Child Abuse Inquiry team for any information, and this was also met with a negative result.

COPFS do not hold the data you seek.

### **Previous Convictions dated 3 June 2013**

It might be of assistance to you if I explain that within your previous convictions dated 3 June 2013, there are disposals which may be of assistance to you, and these are as follows

*Date: 21/05/1985  
Court: ELGIN CHILDRENS HEARING  
Crime/Offence: THEFT BY HOUSEBREAKING, 2. CRIMINAL JUSTICE (SCOTLAND) ACT 2980 SECTION 78(1), 3. MALICIOUS MISCHIEF (2 CHGS)  
Disposal: CHGS 1-3 SUPERVISION REQUIREMENT SECTION 44(1)(A)*

*Date: 03/06/1986  
Court: ELGIN CHILDRENS HEARING  
Crime/Offence: THEFT (2 CHGS)  
Disposal: CHGS 1 SUPERVISION REQUIREMENT SECTION 44(1)(B)*

*Date:* 10/02/1987  
*Court:* ELGIN CHILDRENS HEARING  
*Crime/Offence:* THEFT (2 CHGS)  
*Disposal:* CHGS 1 SUPERVISION REQUIREMENT SECTION 44(1)(B)

*Date:* 31/01/1989  
*Court:* ELGIN CHILDRENS HEARING  
*Crime/Offence:* CRIMINAL JUSTICE (SCOTLAND) ACT 1980 SECTION 78(1)  
*Disposal:* CHGS 1 SUPERVISION REQUIREMENT CONTINUED

*Date:* 31/01/1989  
*Court:* ELGIN CHILDRENS HEARING  
*Crime/Offence:* THEFT (2 CHGS)  
*Disposal:* CHGS 1 SUPERVISION REQUIREMENT VARIED

Please be advised that substantive records for these cases are no longer held by COPFS in line with our Records Management Policy, which can be viewed on our website here:

<https://www.copfs.gov.uk/publications/records-management-manual/html/>

Please also note that COPFS are not the official record keepers of this type of data. Police Scotland maintain the Scottish Criminal History System, and you should direct a subject access request for an up-to-date copy of Previous Convictions to them. You can submit your request to Police Scotland using their website here:

<https://www.scotland.police.uk/access-to-information/data-protection/subjectaccessrequests>

I trust this information is of assistance.

Yours Sincerely



L King

Information Governance and Security Assurance Unit

### **General Information**

#### **Our lawful purpose for holding personal data**

Personal data is being processed by COPFS for law enforcement purposes and in the execution of our public task as Scotland's independent prosecution authority. You may refer to further information about how we use personal data in the COPFS Privacy

Notice here: <https://www.copfs.gov.uk/privacy-notice/>.

### **The rights of the data subject to access personal data**

Under the right of subject access an individual is only entitled access to their own personal data. The Data Protection Act 2018 provides that for information to be personal data it must relate to a living individual and allow that individual to be identified from that information. The data subject is not entitled to receive the personal data of living third party individuals in answer to a subject access request. Subject access provides a right for the data subject to see their personal data, rather than a right to see copies of documents that contain their personal data.

### **Other rights of the data subject**

If there is reason to exercise other data subject rights, including rectification (which is the correction of inaccurate personal data); erasure (also known as the right to be forgotten which involves the removal of personal data); and restriction (limit the further processing of data we hold), information on who to contact can be found in the COPFS Privacy Notice.

### **Retention of your personal data**

The COPFS Records Management Manual is published on our website and outlines the retention periods for material held within criminal cases. COPFS will adhere to this retention and disposal policy unless a legal obligation - for example a statutory inquiry - requires us to keep the data for longer. COPFS transfers material of enduring value to The National Archives of Scotland for archiving purposes.

### **Is the data required for civil proceedings?**

If the information requested relates to anticipated or ongoing civil court proceedings, it may be possible for the data subject to seek a court order to recover documentation held by COPFS. The data subject can seek independent legal advice on this point. Solicitors should continue to utilise the Commission and Diligence process, or the process outlined in the Administration of Justice (Scotland) Act 1972, for recovery of material for the purpose of civil court proceedings. An action in that regard should be intimated to the Scottish Government Legal Directorate based at Victoria Quay, Edinburgh, EH6 6QQ. The Scottish Government Legal Directorate act for COPFS in relation to civil court orders, and all motions that are to be made for orders for material held by COPFS in these circumstances, ought to be intimated to the Lord Advocate via their office.

### **SAR**

You may refer to further information about how we use your personal data in the COPFS Privacy Notice here: <https://www.copfs.gov.uk/privacy-notice/>.

If you consider that your request for access to your personal data has not been dealt with in accordance with the Data Protection Act 2018 you may write to the Information Commissioner who may do any of the following:

- Make an assessment as to whether it is likely or unlikely that the Department has complied with the Data Protection Act 2018;
- Take enforcement proceedings if the Commissioner is satisfied that the Department has contravened one of the Data Protection principles;
- Recommend that you apply to court alleging failure to comply with the subject access provisions of the 2018 Act.

The Information Commissioner's Office (ICO) is based at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF and the ICO website can be accessed at [www.ico.org.uk](http://www.ico.org.uk)

The ICO expects that you would give us the opportunity to consider your concerns first before taking a complaint to it, therefore please address any concerns to this organisation in the first instance quoting the reference on this response.

## **Section 6**

If you are unhappy about the way your request for information has been handled or with any decision made in the case you can make a complaint to the Crown Office and Procurator Fiscal Response and Information Unit under the COPFS Complaints Handling Procedure which is available at:

*<https://www.copfs.gov.uk/contact/feedback-and-complaints/>*