



Crown Office and
Procurator Fiscal
Service

Information Governance & Security Assurance Unit
Crown Office and Procurator Fiscal Service
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PRIVATE AND CONFIDENTIAL

Gemma Rawston
Investigations Team
MMA Legal
43-59 Princess Street, Stockport
By email: evidence@mmalegal.co.uk

Your ref: 100418

Our ref: R-18481-26

18 June 2026

Representative of Mrs Mary Mcfadyean

11 Murray Street , Ayr, KA8 9PG

Date of Birth: 02/08/1969

Also Known As: Mary Morrison

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.

Dear Mrs Mcfadyean,

Subject Access Request response

I refer to an email submitted to this organisation on 1 June 2026 from your representative. The email contains a subject access request which has been submitted on your behalf for specific personal data. The email was forwarded to the Crown Office and Procurator Fiscal Service's Subject Access Requests team as we deal with such requests on behalf of the organisation.

Your representative's request

"We act on behalf of the above-named client, who was placed in residential care at the institution(s) referenced below during the approximate period stated. Approximate Dates of Placement: Coylton children's home south ayrshire:1981- 1984"

Our response

I have firstly made enquiries with the COPFS Scottish Child Abuse Inquiry Review team who conduct case reviews and consider potential prosecutions of non-recent child abuse in institutional settings. They advise that they are unaware of your client's involvement in any matter currently under investigation.

A search was then conducted of our electronic case management system using your client's name and date of birth as search criteria for any case where your client is recorded as the accused, victim or witness which may contain data relevant to your request. The data returned as a result of the search has been reviewed and I can

confirm that there is no data held by this organisation concerning your client's placement in residential care at the institution you have named.

I will confirm that this organisation does not hold any data relevant to your request and the request will be closed on our system as "Data Not Held."

If we can assist you any further please do not hesitate to contact us again using the mailbox SubjectAccessRequests@copfs.gov.uk

I trust you will find the information in this response to be helpful.

Yours sincerely

CL

Subject Access Requests team

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.

Reasons for the restriction of data

Where redactions or deletions have been made to any data provided in respect of this request, this has been done for the following reasons:

1. the data does not constitute the data subject's personal data as defined in Part 1, Section 3 of the Data Protection Act 2018;
2. the data is restricted to avoid obstructing an official or legal inquiry, investigation or procedure under Section 45(4)(a) of the DPA 2018.
3. the data is restricted at this time to avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties under Section 45(4)(b) of the DPA 2018;
4. the data is third party personal data and is exempt under Section 45(4)(e) of the DPA 2018 to meet our obligations to protect third party personal data.

Data concerning the prosecution status of the case

Where information provided within the response sets out the prosecution status of the case, the data held on our electronic system is provided solely for the purposes of meeting our statutory obligations. This data is accurate as at the date of provision and records the decision making on the date referred to within this response. This response does not bind the Crown in terms of the status of these cases in future.

What to do if you are unhappy with our handling of the request

If it is considered that the request for access to personal data has not been dealt with in accordance with the Data Protection Act 2018, the data subject or their representative may write to the Information Commissioner who can 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 the data subject or their representative 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

The ICO expects the data subject or their representative to give this organisation the opportunity to consider concerns first before taking a complaint to the ICO, therefore please address any concerns to this organisation in the first instance quoting the reference on this response.

Section 6

If dissatisfied about the way any request for case related 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/complaints-handling-procedure/>