



Crown Office and
Procurator Fiscal
Service

Crown Office and Procurator Fiscal Service
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Relay UK: Dial 18001 followed by 0300 020 3000

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MMA Legal
43-59 Princes Street
STOK
Stockport
SK1 1RY

Your ref: 100921
Our ref: R-18496-26

Date: 23 June 2026

Dear MMA Legal,

SUBJECT ACCESS REQUEST – RESPONSE
YOUR CLIENT: ELIZABETH KELLY MAXWELL (D.O.B. 11/01/1971)

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 Elizabeth Maxwell,

SUBJECT ACCESS REQUEST – RESPONSE

I refer to an email received by the Crown Office and Procurator Fiscal Service's Subject Access Requests team on 2 June 2026 concerning a subject access request submitted on your behalf by your solicitor.

Your solicitor is representing you in respect of a Redress claim surrounding your experience in care.

Your solicitors request.

Murdock Bank Childrens Home - Milngavie: 1976 - 1979
Castlemilk - Downcraig : Around 1982

We request disclosure of all personal data held in relation to our client, across all systems and formats

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.

I will now address your request

I have searched on COPFS electronic case management systems using your name and date of birth as search criteria and this was met with a negative result. I contacted our Scottish Child Abuse Inquiry team, and this was also met with a negative result.

COPFS do not hold the data you seek.

You may wish to contact Police Scotland for any data they may hold in this regard, and you can do this at the following website.

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

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.

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.