

Criminal Justice Committee

**6th Meeting, 2023 (Session 6), Wednesday 22
February 2023**

Access to court transcripts

Note by the clerk

Background

1. In recent months, the Criminal Justice Committee has been making the case for improved access to court transcripts. This was primarily driven by several survivors of rape and other sexual offences who had found the process difficult or very costly. For them, easier and cheaper access to the transcripts were important either for their own recovery or for their efforts to appeal or make a complaint about their treatment in court and the accountability of the legal system.
2. As a result of this work, the Committee wrote recently to the Scottish Government for a further update. A response to this letter has been received from the Cabinet Secretary for Justice and Veterans (**see Annex**).

Action/Decision

3. Members are asked to discuss the response received and decide what, if any, further action is required.
4. Members may also wish to make Scottish Women's Aid, Rape Crisis Scotland and the individual survivors aware of this correspondence.

**Clerks to the Committee
February 2023**

ANNEX

Response from the Scottish Government

February 2023

Dear Convener

Thank you for your letter of 16 January in relation to access to court transcripts.

My earlier correspondence highlighted the need to give consideration to several matters with the Scottish Courts and Tribunal Service before we could look at any potential need for legislative change and with it, any wider form of consultation. Scottish Government officials have and continue to meet with SCTS to consider this matter in more detail. It may help the committee if I provide some clarity on where those discussions have reached.

As the Committee will be aware, the costs for transcription are those which are agreed between SCTS and the transcription service provider. The current contract is due for renewal imminently and whilst the procurement timescales do not allow for adjustments to be made to the tender on this occasion, the Scottish Government and SCTS intend that work will be progressed to consider improvements to the provision of transcripts, which would include ways to reduce transcription costs, including through the use of alternative technologies. The product of this work will then be reflected when the contract is next out for tender.

At present, SCTS take a proactive approach to requests for transcripts and where, for example, a transcript is already available for the purposes of appeal proceedings, it is possible that this transcript could be made available at no further cost. There are still issues around the release of transcripts relating to evidence given in a closed court. However, in these circumstances, it is open to a complainer to make a subject access request under data protection laws for access to a transcript of the proceedings dealing with their portion of evidence.

In a proactive effort to improve transparency around the process, SCTS have undertaken to make information available on their webpages to assist those making a request, including information on costs depending on what type of transcript is required.

As previously outlined, I will keep the committee advised as we make progress on this matter.

Keith Brown