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Date: 25 October 2022  
Our ref: K: FOI/Ref: 2022-000247  
Email: [nss.pcf-foi@nhs.scot](mailto:nss.pcf-foi@nhs.scot)

Dear [REDACTED]

**Freedom of Information Reference: FOI-2022-000247 – Correspondence regarding the potential adoption of WPATH new guidelines**

I refer to your freedom of information request that we received on 10 October 2022. I can advise you that we have now completed the search of our records and can provide you with the following information:

**Under FOI, could I please request any correspondence between NHS NSS, and any internal or external individual or group, regarding the potential adoption or use of the World Professional Association for Transgender Health's new guidelines (version 8, published in September 2022. This should include, but not be exclusive to, any correspondence from external groups/charities or individual staff members/staff groups urging NHS NSS to adopt or disregard the guidelines, or any requests for clarity on whether the new guidelines should be followed.**

**Please provide all correspondence since December 1, 2021.**

Please find attached Appendices 1-5 listed below. This shows all correspondence between the National Health Service National Services Scotland (NHS NSS), and any internal or external individual or group, since December 1<sup>st</sup> 2021, regarding the potential adoption or use of the World Professional Association for Transgender Health's (WPATH) new guidelines version 8, published in September 2022. Under Section 17 of the Freedom of Information Scotland Act, 2002 an organisation does not have to provide any information if it does not hold this information. NHS NSS does not hold any correspondence relating to the potential adoption of the WPATH v8 guidelines as this is out with the scope of our discussion. Therefore any correspondence relates to the potential use of WPATH v8 Guidelines.

Appendix 1 – Email Subject - BAGIS Council meeting 16092022

Appendix 2 – Email Subject - FW FOI check - GRP Children and Young People's WG

Appendix 3 – Email Subject - link to eunuch paper



**Headquarters**

Gyle Square, 1 South Gyle Crescent, EDINBURGH EH12 9EB

Chairperson Keith Redpath  
Chief Executive Mary Morgan

Appendix 4 – Email Subject - Media MailOnline NGICNS Eunuch post

Appendix 5 – Email Subject - Questions on WPATH

NSS have redacted all names and job titles of staff listed in the above documents in line with [Section 39\(1\) of the Freedom of Information \(Scotland\) Act 2002 for “Health and Safety”](#).

Redactions have been made in order to protect the health and safety of NHS staff working in such a sensitive environment. NSS have deemed that the health and safety of NHS staff is paramount.

A number of considerations have to be made before the exemption can be applied:

- disclosure would, or would be “likely” to, endanger an individual’s health or safety,
- disclosure would result in danger to physical health, e.g. danger to someone as a result of physical injury, illness or disease. It could also mean damaging someone’s mental health as a result of the release of information,

Within NHS Scotland there has already been instances of staff members being targeted directly by protest groups. Therefore, it would be more than “likely” that release of names and job titles would endanger an individual’s health and safety. NSS have deemed that further targeting of staff would be probable.

The final stage of applying this exemption is the consideration of the [Public Interest Test](#). The Freedom of Information (Scotland) Act 2002 does not define the public interest. It has been described elsewhere as “something which is of serious concern and benefit to the public”, not merely something of individual interest. It has also been described as “something that is “in the interest of the public”, not merely “of interest to the public.” In other words, it serves the interests of the public.

In weighing up the Public Interest Test NSS recognises that there is always a public interest in Scottish public authorities operating in an open and transparent manner, however on this occasion NSS has considered that there is absolutely no public interest in endangering the health and safety of NHS staff working in the area of transgender healthcare.

I trust you will find the information of assistance and if you require any further information, please do not hesitate to contact me.

If you are unhappy with any aspect of how we have dealt with your request, you can make representations to us asking us to review the handling of your request. Please write to the

Head of Information and Cyber Security  
Digital and Security  
NHS National Services Scotland  
Headquarters  
Gyle Square  
1 South Gyle Crescent  
Edinburgh  
EH12 9EB

or at the email address [nss.foi@nhs.scot](mailto:nss.foi@nhs.scot) within 40 working days of the date of this correspondence.

If after a review you are still unhappy, you also have the right to apply to the Scottish Information Commissioner, who can be contacted at Kinburn Castle, St Andrews, Fife, KY16 9DS, or via their online application form.

If you have any queries about this letter, please contact me at the above address.

Yours sincerely

