

Procurement, Commissioning & Facilities
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Date: 24 July 2023
Our ref: K: FOI/Ref: 2023-000220
Email: nss.pcf-foi@nhs.scot

Dear [REDACTED]

Freedom of Information Reference: FOI-2023-000220 – Clinical Waste & NSS Communications

I refer to your freedom of information request that we received on 25 June 2023. I can advise you that we have now completed the search of our records and can provide you with the following information:

1 Who was involved in the scoring of the clinical waste contract in 2018.

Under Section 38(1)(b) of the Freedom of Information Scotland Act (2002) – Personal information, NHS National Services Scotland (NHS NSS) is withholding the names of individuals involved in the scoring.

A Technical Evaluation Panel (TEP) which was a subset of the Commodity Advisory Panel (CAP) undertook the scoring and comprised of the Regional Chairs representing each Geographical area (North, East, West, and Greater Glasgow & Clyde).

What we can provide you with is the job titles of the individuals:

Head of Soft Facilities Management – NHS Lothian
Head of Environment and Sustainability – NHS Highland
Head of Procurement - NHS Ayrshire & Arran
Risk Manager - NHS Greater Glasgow & Clyde
Commodity Manager – NHS National Services Scotland (NHS NSS) National Procurement

2 All correspondence between Tradebe Healthcare and NHS procurement staff Martin Street and between July 2018 to July 2019

As per Section 14(2) “Repeated Requests” of the FOISA act, when a Scottish public authority has complied with a request from a person for information, it is not obliged to comply with a subsequent request from that person. Whether it is identical or similar, unless there has been a reasonable period between the making of the request complied with and the making of the subsequent request.

NHS NSS has previously released this information as the same information was requested in a previous Freedom of Information request (FOI-2022-000269).



Headquarters

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

Chairperson Keith Redpath
Chief Executive Mary Morgan

3 All correspondence between Martin Street and Wendy Rayner between July 18 to July 19

Due to the volume of the information requested, the detail will be released in the format of appendices (Appendices 1 and 2). Some of the documentation includes personal data of third parties, specifically, names of individuals which have not been released into the public domain on any previous FOIs or literature regarding this topic. Where this is the case, these names and contact details have been redacted in line with exception Section 38(1)(b) of the Freedom of Information Scotland Act – Personal information.

Under Section 33(1)(b) of the Freedom of Information Act 2002 - an organisation does not require to provide information if its disclosure under this Act would, or would be likely to, prejudice substantially the commercial interests of any person (including, without prejudice to that generality, a Scottish public authority) and as such any cost information is being withheld as it is commercially sensitive.

Where information relates to an ongoing legal case and on that basis, there is a greater public interest in withholding the information to ensure fairness in the court proceedings. Such information is being withheld under Section 36(1) - Confidentiality - Information in respect of which a claim to confidentiality of communication could be maintained in legal proceeding is exempt information.

Section 36(1)(8) – claim to confidentiality of communications. Legal advice privilege covers communications between lawyers and their clients where legal advice is sought or given. The communications do not have to be connected with litigation (although they may be).

4 Please supply a copy of the scoring of Tradebe Healthcare in the tender

See Appendix 3

5 Please supply all correspondence between Martin Bell and Martin Street for the same dates

Due to the volume of the information requested, the detail will be released in the format of appendices (Appendix 4). Some of the documentation includes personal data of third parties, specifically, names of individuals which have not been released into the public domain on any previous FOIs or literature regarding this topic. Where this is the case, these names and contact details have been redacted in line with exception Section 38(1)(b) of the Freedom of Information Scotland Act – Personal information.

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Section 36(1)(8) – claim to confidentiality of communications. Legal advice privilege covers communications between lawyers and their clients where legal advice is sought or given. The communications do not have to be connected with litigation (although they may be). Legal advice privilege will only apply to communications made for the purpose of seeking and giving legal advice.

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

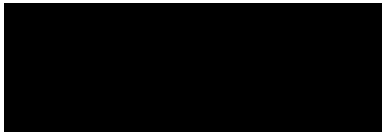
Head of Information and Cyber Security
Digital and Security
NHS National Services Scotland
Headquarters
Gyle Square
1 South Gyle Crescent
Edinburgh
EH12 9EB

or at the email address nss.foi@nhs.scot 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

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