

From: [nss foi](#)
To: [NSS CLO.FOI](#)
Subject: OSIC Decision in Relation to NHS Fife Tribunal
Date: 28 May 2025 12:12:00
Attachments: [image001.jpg](#)
Importance: High

Dear CLO,

The Scottish Information Commissioner has today issued a decision notice in relation to the costs relating to the NHS Fife tribunal.

[Decision 133/2025 | Scottish Information Commissioner](#)

The Commissioner dismisses that S33(1)(b), S38(1)(b) and S39(1) apply in this case and stated that:

“The Applicants asked the Authority (in separate requests) for information on the cost of a specified tribunal. The Authority withheld the information requested because it was third party personal data. During the investigation, the Authority applied other exemptions in FOISA to the withheld information it provided to the Commissioner but also stated that it did not hold this information at the date it received the requests. The Commissioner investigated and found that the Authority failed to comply with FOISA in responding to the requests. He required the Authority to carry out fresh reviews and to provide the Applicants with revised review outcomes.”

The Commissioner also criticised NHS Fife for not providing advice and assistance, in terms of section 15 of FOISA, regarding the indemnity scheme (CNORIS).

The applicant has also referred NSS to the Commissioner in relation to the Rule 50 Order (FOI-2025-000149). This referral is currently sitting in the Commissioner’s “validation” stage.



Cases	Public Authority	Synopsis	Case Status
		department from 23 - 26 September 2022	allocation
202500095	NHS Lothian	Complaints about, and information relating to, a named member of staff	Investigation
202500487	NHS Lothian	Details of contracts of specified company re hardware /software used	Investigation
202500783	NHS Lothian	Land and property assets and sales	Validation
202500585	NHS National Services Scotland	Central legal offices calculation or record of activity in connection with a specified matter	Investigation
202500780	NHS National Services Scotland	Financial expenditure on Eljamel related claims and legal costs	Validation
202500813	NHS National Services Scotland	Details re Section 50 Order regarding specified Employment Tribunal	Validation

Many thanks & kindest regards,

Roddy

Roddy Mitchell
Corporate Records & FOI Organisational Lead
Corporate Governance Team
Finance, Corporate Governance & Legal Services
NHS National Services Scotland

We are NHS National Services Scotland. We offer a wide range of services and together

we provide national solutions to improve the health and wellbeing of the people of Scotland.

Find out more in our [**NSS Strategic Framework 2024-2026**](#).