

From: [Stefano Rinaldi](#)
To: [REDACTED]; [nss communications](#)
Cc: [nss foi](#)
Subject: RE: FOI-2025-000149 - Response (DRAFT for Comms review)
Date: 24 June 2025 15:30:01
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.png](#)
[image004.png](#)
[image005.jpg](#)

Hi [REDACTED]

I overlooked your response from Friday, 13 June below.

It is important that we explain and justify the basis of the application of exemptions. Simply applying an exemption without explanation is a basis on which NHS Fife were criticised by the SIC. It is also important to remember that this is a legal response in the sense it requires to comply with the statutory requirements. In addition, it is almost certain that they will ask for a review and refer this request to the SIC.

Although I appreciate that you are concerned about saying too much to the press, I feel I also need to meet my duties in complying with the requirement to set out the basis on which an exemption applies. However, if my previous response was too wordy, I will keep it to two bullet points. The other point is we are relying on the potential risk to [REDACTED] specifically in this instance.

Kind regards

Stefano

Stefano Rinaldi

Team Leader & Senior Solicitor
Litigation Team D
Accredited Specialist in Medical Negligence Law

CentralLegalOffice

Gyle Square, 1 South Gyle Crescent, Edinburgh. EH12 9EB

NHS National Services Scotland

[REDACTED]
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From: [REDACTED]
Sent: 13 June 2025 15:34
To: nss communications <nss.communications@nhs.scot>; Stefano Rinaldi <[REDACTED]>
Cc: nss foi <nss.foi@nhs.scot>
Subject: Re: FOI-2025-000149 - Response (DRAFT for Comms review)

Hi everyone,

I have reviewed the response and have suggested the below - just pulled it into a couple of bullets to bring in line with previous releases of info but still summarises the key points of the original response.

Stef - are you comfortable with the changes and can we align the following 2 requests FOI 162 and FOI 163 responses in a similar way?

Comms - please note that FOI 162 and FOI 163 coming up for review should be aligned in messaging of FOI 146 and FOI 152 - can you add this info into the tracker and flag to managers please.

:

Response

Dear [REDACTED]

Freedom of Information Reference: FOI-2025-000149

I refer to your request of 28 May 2025 under the Freedom of Information (Scotland) Act 2002 (FOISA) for information in relation to the following:

Further to the SICO Decision of today's date in regards to NHS Fife and their advice that I "may still make a fresh request to either the Authority or National Services Scotland for information now held", I am requesting the following information.

Rule 50 Order

What are the total costs to NSS CLO for this?

Employment Tribunal

How much has the Tribunal cost NSS CLO to date ie the date of receipt of this FOI request?

In relation to the costs of the Rule 50 Order, I can advise under Section 17 of FOISA that this information is not held.

The application for a Rule 50 Order was dealt with as part of the overall Employment Tribunal proceedings. It is not possible to differentiate the fees and expenses related to the Rule 50 Order and the rest of the Employment Tribunal proceedings. Therefore in the circumstances, that information is not held.

In relation to costs to date to CLO for the Employment Tribunal, this information is held but is exempt from disclosure for the following reasons:

- The Central Legal Office does not release information about the fees and outlays in individual cases because of the potential prejudice it would have to the commercial interests of NHS National Services Scotland and the interests of client Health Boards that engage the legal services of the Central Legal Office and is

therefore exempt in terms of Section 33(1)(b) of FOISA.

- In addition, Section 39(1) related to the Health and Safety of individuals also applies.

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 Associate Director Governance & Board Services using 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 Appeal form](#).

Yours sincerely

ENDS

Happy to discuss.

Many thanks,

[REDACTED]

[REDACTED]

[REDACTED]

Communications and Marketing
NHS National Services Scotland

Media enquiries

Contact: nss.communications@nhs.scot

Tel: [REDACTED]

Monday to Friday 9:00 to 17:00 hours

Outside working hours, please leave a message and we will respond the next working day.

From: [REDACTED] [REDACTED]

Sent: Thursday, June 12, 2025 17:57

To: nss communications <nss.communications@nhs.scot>; Stefano Rinaldi
<[REDACTED]>

Cc: nss foi <nss.foi@nhs.scot>; [REDACTED]

Subject: Re: FOI-2025-000149 - Response (DRAFT for Comms review)

Hi everyone,

Just checking the FOI tracker and we have a few on this topic and some to journalists so

would like to align our messaging a bit more with the media lines issued to the Courier last week so I am just going to take a look at tightening up some of the response below in the morning so will send updated version over.

Many thanks,

[REDACTED]

[REDACTED]

[REDACTED]

Communications and Marketing

NHS National Services Scotland

Media enquiries

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Tel: [REDACTED]

Monday to Friday 9:00 to 17:00 hours

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From: nss communications <nss.communications@nhs.scot>

Sent: Thursday, June 12, 2025 17:27

To: nss communications <nss.communications@nhs.scot>; Stefano Rinaldi
<[REDACTED]>

Cc: nss foi <nss.foi@nhs.scot>; [REDACTED]

Subject: RE: FOI-2025-000149 - Response (DRAFT for Comms review)

Hi Stefano

[REDACTED] and I have spoken further about this particular FOI and the reference to the adverse effect on individuals' health and safety.

Can you please remove the section referring to one party, together with the link to the Mail and include a more generic line. Could you please take this approach to all FOIs relating to this subject.

Many thanks



Marketing and Communications

NHS National Services Scotland

Tel:  |  | 



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From: nss communications <nss.communications@nhs.scot>

Sent: Thursday, June 12, 2025 1:08 PM

To: Stefano Rinaldi < >

Cc: nss foi <nss.foi@nhs.scot>; nss communications <nss.communications@nhs.scot>

Subject: RE: FOI-2025-000149 - Response (DRAFT for Comms review)

Hi Stefano

Just to confirm that Comms is happy for this to be issued.

Thanks

[REDACTED]

From: Stefano Rinaldi <[REDACTED]>
Sent: 11 June 2025 15:11
To: nss communications <nss.communications@nhs.scot>
Cc: nss foi <nss.foi@nhs.scot>
Subject: FOI-2025-000149 - Response (DRAFT for Comms review)

Hi

This is an FOI about the Peggie case in relation to which you have asked to see it before issued. The deadline is Wednesday, 25 June. I will share a draft response in relation to a similar request with the same deadline tomorrow.

Please review and let me know if you have any comments.

Thanks

Stefano

Dear [REDACTED]

Freedom of Information Reference: FOI-2025-000149

I refer to your request of 28 May 2025 under the Freedom of Information (Scotland) Act 2002 (FOISA) for information in relation to the following:

Further to the SICO Decision of today's date in regards to NHS Fife and their advice that I "may still make a fresh request to either the Authority or National Services Scotland for information now held", I am requesting the following information.

Rule 50 Order

What are the total costs to NSS CLO for this?

Employment Tribunal

How much has the Tribunal cost NSS CLO to date ie the date of receipt of this FOI request?

In terms of Section 17 of FOISA no information is held in relation to this request, as NSS CLO (taken to be the Central Legal Office) does not incur costs, but operates a cost recovery model, which involves charging Health Boards for the legal services provided and external legal costs incurred.

In terms of Section 15 of FOISA (providing advice and assistance), I will treat this request as a request for the legal fees and expenses charged by the Central Legal Office to NHS Fife in relation to the request about the Rule 50 Order and the Employment Tribunal, as that appears to be what you wish to ascertain.

In terms of the first request related to the costs of the Rule 50 Order, I can advise under Section 17 of FOISA that this information is not held. The application for a Rule 50 Order was dealt with as part of the overall Employment Tribunal proceedings and it is not possible to differentiate the fees and expenses related to the Rule 50 Order and the rest of the Employment Tribunal proceedings. In the circumstances, that information is not held.

As regards the request in relation to the total cost of the Employment Tribunal (i.e. the fees and outlays charged by the Central Legal Office to NHS Fife), this information is held but is exempt from disclosure for the following reasons:

- The Central Legal Office does not release information about the fees and outlays in individual cases because of the potential prejudice it would have to the commercial interests of NHS National Services Scotland and the interests of client Health Boards that engage the legal services of the Central Legal Office and is therefore exempt in terms of Section 33(1)(b) of FOISA. The Scottish Information

Commissioner has previously acknowledged these commercial interests -

[Decision 098/2007 | Scottish Information Commissioner](#)

- The commercial interests that could be prejudiced are both in relation to the fees that are charged by the Central Legal Office, which could potentially be ascertained if released in individual cases and used by firms of solicitors seeking to compete with the Central Legal Office.
- It could also be used in relation to individual cases to seek to influence the resolution of cases and would mean that parties were not on an equal footing, as it would not be possible for the Health Board or Central Legal Office to ascertain the legal costs incurred by the other party or parties in proceedings.
- As dealing with cases involves the use of public funds the public interest in sharing this information is outweighed by the interest in maintaining the exemption.
- This exemption is applied in relation to all requests related to the costs for individual cases. The Central Legal Office does release information about aggregated legal costs across multiple cases or all cases where required.
- In this instance, however, the exemption relied upon is Section 39(1) related to the Health and Safety of individuals. There is evidence that the release of sensitive information about this case is resulting in reporting which is having an adverse effect on staff of NHS Fife and particularly [REDACTED] who is one of the respondents in the Employment Tribunal - [Trans doctor receives counselling due to the 'incredible distress' of NHS gender tribunal | Daily Mail Online](#)
- The release of information related to the costs of the Tribunal would be likely to endanger the mental health of [REDACTED] and possibly other members of NHS Fife involved in the Employment Tribunal process.

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 Associate Director Governance & Board Services using 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 Appeal form](#).

Yours sincerely

Stefano Rinaldi

Team Leader & Senior Solicitor

Litigation Team D

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