

**From:** [Lois Bourletsika](#)  
**To:** [nss foi](#)  
**Subject:** RE: OSIC Decision in Relation to NHS Fife Tribunal  
**Date:** 02 June 2025 13:45:42  
**Attachments:** [image001.jpg](#)

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Thank you very much Roddy for the update,  
Lois

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**From:** nss foi <nss.foi@nhs.scot>  
**Sent:** 28 May 2025 12:12  
**To:** NSS CLO.FOI <NSS.CLO.FOI@nhs.scot>  
**Subject:** OSIC Decision in Relation to NHS Fife Tribunal  
**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.



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](#).**