

Date 03/04/2025
Your Ref
Our Ref 9843

Enquiries to Richard Mutch
Extension 35687
Direct Line 0131 465 5687
loth.freedomofinformation@nhs.scot
richard.mutch@nhs.scot

Dear

FREEDOM OF INFORMATION REVIEW – STAFF DETAILS

I write in response to your request for review of NHS Lothian's response to your Freedom of Information request about

Having discussed your request and our response of,

I can respond as follows:

Original Request and Response:

Question:

- The health care assistant refused to provide her full name, stating only that her first name was ~~~~~~. I have been given to understand that all NHS Lothian Board staff are required to provide their full names to patients on request and I now request the full name of the pharmacy health care assistant concerned. This is written request for information pursuant to the FOI(S)A.

Answer:

I must advise that NHS Lothian has a policy of not releasing the names and details of staff below a senior level, this is considered exempt under Section 38(1)(b) of the Freedom of Information (Scotland) Act 2002 – personal information. It has also been agreed that because of the work situation of this group of staff they should only provide first names.

Question:

- Another aspect of the problem over the over-prescribing is that an ANP identifying herself as ~~~~~~ (first name) in the course of a consultation on ~~~~~~, indicated it had not been recorded on my Kardex that I was ~~~~~~. I understand that the ANP concerned is known as ~~~~~~ ~~~~~~ (full name), but have been advised by the N&MC that no ANP is registered under this name. In order to assist me to pursue the involvement of this ANP in over-prescription of medication I request the full name and registration details of the practitioner. This is a written request for information under FOI(S)A.

Headquarters
Mainpoint
102 West Port
Edinburgh EH3 9DN

Chair Professor John Connaghan CBE
Chief Executive Professor Caroline Hiscox
Lothian NHS Board is the common name of Lothian Health Board

Answer:

As stated above NHS Lothian has a policy of not releasing the names and details of staff below a senior level, this is considered exempt under Section 38(1)(b) of the Freedom of Information (Scotland) Act 2002 – personal information. It has also been agreed that because of the work situation of this group of staff they should only provide first names.

I am further advised that the individual mentioned is indeed listed on the NMC Register. Please note that the NMC will not list that they are an ANP, just the branch of nursing (Adult) and also if they are a "Nurse Independent / Supplementary Prescriber".

Summarised Review Request:

1. Your authority failed to respond promptly to my request.
2. The names of the health care assistants – exempted under Section 38(1)(b) – policy of not releasing the names and details of non-senior staff. Unclear if you apply any such policy. I do not accept this.
3. In response 8889 in relation to staff badges, I was advised that staff wear ID that contains full names and photo and quoted the uniform policy. Is the policy correct?
4. Authority has failed to confirm whether or not it holds the information requested – names of those purporting to be employed.
5. Legitimate interest in knowing the names of the individuals employed by the authority and directly involved in care provision.
6. Individual identified within medical notes and NMC registration

Review Response:

1.	The response to your request was returned to staff at the Prison within the 20days from receipt of request.
2.	As advised NHS Lothian has a policy of not releasing the names and details of staff below a senior level within FOI(S)A responses. Section 38(1)(b) of the Freedom of Information (Scotland) Act 2002 – personal information.
3.	I am advised that the policy was adapted due to the unique environment of the prison and the potential risks to staff in this challenging environment. For the name badges the change came through discussion with the previous General Manager and it was agreed that staff would wear name badges with their forenames and job title only. The name badges were ordered as requested and agreed.
4.	NHS Lothian holds the names and details of staff that are employed.
5.	We accepted your legitimate interest; however the interest and safety of our employees outweigh your right to access their details, this is especially the case due to the location of the staff involved.

6.	<p>While the individual may have been identified to you within the medical notes, it remains our policy when responding to FOI(S)A requests that the details of non-senior staff are withheld. Section 38(1)(b) of the Freedom of Information (Scotland) Act 2002 – personal information.</p> <p>As stated previously the individual is indeed listed on the NMC Register. Please note that the NMC will not list that they are an ANP, just the branch of nursing (Adult) and also if they are a "Nurse Independent / Supplementary Prescriber".</p>
----	---

If you are not satisfied with this response you still have the right to make a formal complaint to the Scottish Information Commissioner who you can contact at the address below or using the Scottish Information Commissioner's Office online appeals service at <https://www.foi.scot/appeal>. If you remain dissatisfied with the Commissioner's response you then have the option to appeal to the Court of Session on a point of law.

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews, Fife
KY16 9DS
Telephone: 01334 464610
Fax: 01334 464611
e-mail: enquiries@foi.scot

Yours sincerely

**Freedom of Information Reviewer/
NHS Lothian**
cc: Executive Nurse Director