

Date 30/05/2025  
Your Ref  
Our Ref 10093R

Enquiries to Richard Mutch  
Extension 35687  
Direct Line 0131 465 5687  
[loth.freedomofinformation@nhs.scot](mailto:loth.freedomofinformation@nhs.scot)  
[richard.mutch@nhs.scot](mailto:richard.mutch@nhs.scot)

Dear

## FREEDOM OF INFORMATION REVIEW - SAER

I write in response to your request for review of NHS Lothian's response to your Freedom of Information request about Serious Adverse Event Reports (SAER). Having discussed your request and our response of, 12 May 2025, I can respond as follows:

Original Request and Response:

Question:

- Please can I have a copy of all final Significant Adverse Event Review (SAERs) reports produced for SAERs commissioned by your health board in each of the last four full financial years which relate to stillbirth, neonatal, extended perinatal, post- neonatal and infant deaths. Please redact all personal information from the reports.

Answer:

Due to the very small numbers of reports (evidenced in response 9946) and the specific and identifiable nature of them, it is not possible to release any of the reports even in a redacted format.

To protect the identity of the individuals involved any figure of 5 or less has not been shown in these responses. Since we do not have their consent to release this data from their records, the information is exempt under section 38(1)(b) of the Freedom of Information (Scotland) Act i.e. to provide it would breach the Data Protection Act (2018).

Reports still being review cannot be released under Section 30 of the Freedom of Information (Scotland) Act 2002 - Prejudice to effective conduct of public affairs.

Information is exempt information if its disclosure under this Act-

(b) would, or would be likely to, inhibit substantially-

(i) the free and frank provision of advice; or

(ii) the free and frank exchange of views for the purposes of deliberation; or

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*

(c) would otherwise prejudice substantially, or be likely to prejudice substantially, the effective conduct of public affairs.

In NHS Lothian, all events where a person is harmed or there was potential for harm are recorded on DATIX. NHS Lothian classify Serious Adverse Events (SAEs) as those resulting in a severity of Major Harm\* or Death. All SAEs are reviewed for learning and an improvement plan put in place and implemented if relevant. An improvement plan is not always required as the findings of the review do not always identify any care of service delivery problems. Conversely, an improvement plan may include actions to address issues which are not directly related to the event but have been identified during the review as opportunities for service improvement.

\* Major Harm defined as – Intervention required to sustain life / long term incapacity or disability requiring medical treatment and/or counselling (e.g., All fractures with exception of fingers and toes)

Review Request:

- Please accept this email as a request for an internal review with regards to copies of the SAERs. I believe there is a way to release the information that would not identify anyone, which would be our goal too. I would also refer you to the information commissioner's Decision 036/2012 'Rab Wilson and Ayrshire and Arran NHS Board' which shows the clear public interest in releasing this type of information. The information commissioner has also said the findings of these reports should be made public where possible - <https://www.foi.scot/statement-publication-significant-adverse-event-review-reports-nhs> - and I feel you have not demonstrated enough evidence as to why the completed reports should not be released.

Review Response:

It remains the view of NHS Lothian that due to the small numbers involved and the very specific and identifiable information contained within the SAERs that the information requested, even in a heavily redacted form is not appropriate and falls within the exemptions previously stated. The information requested is in relation to the circumstances of the pregnancy and birth journeys of individuals and their parents in the most difficult and personal of circumstances. In order to be useful for learning within the health system such reviews are extremely detailed and therefore highly likely to contain information which makes them identifiable to friends and family members.

You have been provided with the number of SAERs for the period, so are aware of the small numbers, for this single service area. Please see OSIC Decision 303-2024, which covers a similar issue in relation to small numbers and singular service area - <https://www.foi.scot/decision-3022024>

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](mailto:enquiries@foi.scot)

Yours sincerely

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