

Date 28/11/2025  
Your Ref  
Our Ref 10817R

Enquiries to Richard Mutch  
Extension 35687  
Direct Line 0131 465 5687  
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Dear

## FREEDOM OF INFORMATION REVIEW - TRACKER

I write in response to your request for review of NHS Lothian's response to your Freedom of Information request about vehicle trackers. Having discussed your request and our response of, 5 November 2025, I can respond as follows:

Original Request and Response:

Question:

- I am looking for some information under the FOI act. It is for the vehicle tracking details of an NHS Lothian vehicle reg. No. SH~~ ~~~~. The dates I am looking for are, Wednesday 8<sup>th</sup> of January, Thursday 9<sup>th</sup> January and Thursday 16<sup>th</sup> January all between the hours of 07.30 and 16.00.

Answer:

I am advised that the information requested will include data related to NHS business including addresses, postcodes and potentially staff data if driver ID has been enable.

NHS Lothian has a policy of not releasing the names, details and information in relation to staff below a senior level, this is considered exempt under Section 38(1)(b) of the Freedom of information (Scotland) Act 2002 – personal information.

- Where the person making a request has asked for information about a third party – Absolute Exemption. There is an absolute exemption if the disclosure would breach any of the Data Protection Principles (Section 38(1)(b)). There is also an absolute exemption for personal census information and a deceased person's health records, although these parts of the exemption are no longer applicable after 100 years.
- Where the person making the request has asked for information about themselves (Section 38(1)(a)). There is an absolute exemption where the information constitutes personal data of which the person is subject. This is known as a subject access request and falls under the remit of the Data Protection Act (2018) (DPA). The rules under the DPA will determine

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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*

whether the person has a right to the information. The application cannot be considered under the FOI(S)A 2002. The effect of the exemption is not to deny individuals a right to access information about themselves but to ensure the right is exercised under the DPA.

I have forwarded your request to our Data Protection Manager as they will be able to assist you further in terms of the Data Protection Act (2018) - [loth.sarteam@nhs.scot](mailto:loth.sarteam@nhs.scot)

Review Request:

Thank you for your email relating to my FOI request. I have read the reply but I think I am entitled to the information as it relates to me as the driver of the vehicle in question.

According to the Telematics Guidance Document for users of NHLS Vehicles, Traffilog stores all recorded information from the initial go-live date. All users have the right to request, via their line manager, a copy of all information on their own stored data. Where stored data is not relevant to a member of staff, it will not be shared in any circumstances.

***Information recorded and stored by the telematics systems will be available and published in an anonymised format should NHSL receive a Freedom of Information request.***

It looks to me that I am entitled to the information I have requested as I was the driver of said vehicle. I look forward to your reply.

Review Response:

I am advised by our Data Protection Department that they will be discussing the release of this information with you directly and that it is not appropriate to release it under FOI(S)A as it related directly to you.

- Where the person making the request has asked for information about themselves (Section 38(1)(a)). There is an absolute exemption where the information constitutes personal data of which the person is subject. This is known as a subject access request and falls under the remit of the Data Protection Act (2018) (DPA). The rules under the DPA will determine whether the person has a right to the information. The application cannot be considered under the FOI(S)A 2002. The effect of the exemption is not to deny individuals a right to access information about themselves but to ensure the right is exercised under the DPA.



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