

Date 31 July 2026
Your Ref
Our Ref 11567

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

Dear

FREEDOM OF INFORMATION – RESPONSE DELAY

I write in response to your request for information in relation to a delayed response.

Question:

- On June 8, 2026, I received an email from your office noting that the response was late "partly due to an unforeseen absence". Because this phrasing indicates that an individual absence was only a partial cause of the statutory breach, I am requesting the specific recorded information that identifies the other contributing factors, operational backlogs, or administrative dependencies involved in delaying this case.

To satisfy this request, please provide copies of the following recorded information held by the Board:

- Any internal communications, emails, or case notes circulated within the FOI team or between the FOI team and external departments regarding the tracking, allocation, and delay of request reference 11467 between May 6, 2026, and June 8, 2026.

Answer:

As advised the delay in responding was "partly due to an unforeseen absence". The information was returned before the period of absence but was not dealt with and responded to promptly. We deal with and respond to request in order of time priority.

We can provide the following breakdown in relation to email communications:

07/05/26	Request received, acknowledged and circulated
08/05/26 and 12/05/26	Responses received from Information Governance
15/05/26	FOI Communications Manager unplanned absence. Usual handover during period of absence was not possible.
03/06/26	Response circulated to Medical Director and Communication Director for approval.
03/06/26	Response circulated to Nurse Director for signature.
04/06/26	FOI Communication Manager planned absence
04/06/26	Response Due
08/06/26	Response signed off by Nurse Director. Sent.

The email trail has been enclosed. We have removed the names and details of staff below a senior level as NHS Lothian consider this exempt under Section 38(1)(b) of FOI(S)A – personal information. We have also removed your details under Section 38(1)(a) – personal information.

There is no information held in relation to the delay other than the provided email trail.

Question:

2. The internal tracking logs, system audit history, or timeline metrics showing when the draft response for reference 11467 was completed by the case handler, when it was sent to senior management for authorization, and the date it was received by the Executive Director of Nursing for final sign-off.

Answer:

Our tracking system does not record this level of detail, so the extract above has been provided from email trails. We do not generate reports on a weekly basis, as reports are provided quarterly as part of internal and external processes.

Question:

3. Any recorded communications or memos detailing internal processing bottlenecks or clearance delays relevant to the sign-off period for this request during the first week of June 2026.

Answer:

There is nothing recorded in relation to this. As per Section 17 of the Freedom of Information (Scotland) Act 2002 formally I must advise we do not hold this information.

I hope the information provided helps and again I apologise for the delay in responding to your previous request

If you are unhappy with our response to your request, you do have the right to request us to review it. Your request should be made within 40 working days of receipt of this letter, and we will reply within 20 working days of receipt. If our decision is unchanged following a review and you remain dissatisfied with this, you then have the right to make a formal complaint to the Scottish Information Commissioner within 6 months of receipt of our review response. You can do this by using the Scottish Information Commissioner's Office online appeals service at www.itspublicknowledge.info/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.

If you require a review of our decision to be carried out, please write to the FOI Reviewer at the email address at the head of this letter. The review will be undertaken by a Reviewer who was not involved in the original decision-making process.



FOI responses (subject to redaction of personal information) may appear on NHS Lothian's Freedom of Information website at: <https://org.nhsllothian.scot/FOI/Pages/default.aspx>

Yours sincerely

ALISON MACDONALD
Executive Director, Nursing
Cc: Chief Executive
Enc.

[REDACTED]

on behalf of

Foi

[REDACTED]

Foi;Mutch, Richard

Dear All,

Please see below new FOI request.

Can the information please be sent back to loth.foi@nhslothian.scot.nhs.uk by the deadline of 28th May 2026.

Kind regards,

[REDACTED]

[REDACTED]

Governance Support Officer | Corporate Governance Team | NHS Lothian

MS Teams – [REDACTED]

From: [REDACTED]

Sent: 06 May 2026 16:07

To: Feedback, Patient Experience Team <LOTH.Feedback@nhs.scot>

Cc: Dpo, Loth <Loth.Dpo@nhs.scot>; Foi <loth.freedomofinformation@nhs.scot>

Subject: Re: URGENT: Clarification of IT Audit [REDACTED]

[REDACTED]

Hello,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- **To the FOI Office:** Under FOISA 2002, please provide the written policy or Standard Operating Procedure (SOP) that outlines this 10-day deactivation/removal window for patient clinical correspondence on the NHS Lothian portal.

[REDACTED]

[REDACTED]

[REDACTED]

I look forward to your coordinated response.

Yours sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 08 May 2026 12:39
To: [REDACTED] Fci <loth.freedomofinformation@nhs.scot>
Cc: [REDACTED]
Subject: Fw: FOI request 11467 – response

[REDACTED]

[REDACTED];Foi

[REDACTED]

FOI Team,

[REDACTED] and I have discussed and recommend the following response.

Dear [REDACTED],

Thank you for your request dated 6 May 2026, made under the Freedom of Information (Scotland) Act 2002 (FOISA), in which you requested information relating to the removal of a digital letter from the NHS Lothian patient portal, including the existence of a written policy or SOP and any Data Protection Impact Assessment (DPIA) supporting this functionality.

NHS Lothian does not hold a standalone written policy or Standard Operating Procedure which describes a universal “10-day rule” for all patient correspondence. The time-limited visibility of

certain administrative correspondence on the patient portal is a feature of system design and configuration rather than a records management decision to destroy or delete information.

Similarly, NHS Lothian does not hold a Data Protection Impact Assessment that is specific to a 10-day portal visibility period for this type of correspondence. The operation of the patient portal forms part of the wider delivery of health and administrative services, with appropriate access controls applied at the portal interface.

This functionality does not remove or restrict an individual's rights of access to their personal data under UK GDPR. Patients may continue to request copies of their records through established routes, including Subject Access Requests.

Scope of FOISA

Some of the points raised in your correspondence relate to complaint handling, audit trails and the investigation of specific events. These matters fall outwith the scope of FOISA, which provides a right of access to recorded information held by the authority at the time a request is received.

If you are dissatisfied with the way your complaint has been handled, you may wish to pursue this further through the NHS Lothian complaints process.

If you are unhappy with this response to your FOI request, you have the right to ask us to review our handling of your request. A request for review should be made within 40 working days of receipt of this response. Details of the review process and your right of appeal to the Scottish Information Commissioner can be provided on request.

Yours sincerely,

Freedom of Information Team

NHS Lothian

Regards

[Redacted]

[Redacted]

Interim Information Governance & Security Manager

[Redacted]

Foi

Hi Richard,

Thanks for sharing. I wasn't aware [REDACTED] had been asked to respond to this until after I had emailed your team. I'm due to discuss with PET so happy to update them and say this response will be sent.

Kind regards,

From: Mutch, Richard <Richard.Mutch@nhs.scot> **On Behalf Of** Foi

Sent: 08 May 2026 15:34

To: [REDACTED]

Cc: Foi <loth.freedomofinformation@nhs.scot>

Subject: Re: URGENT: Clarification of IT Audit [REDACTED]

[REDACTED] - 11467

[REDACTED]

For info - from [REDACTED] - attached.

Rm

[REDACTED]

Foi

Thanks Richard. Can you keep [REDACTED] and I updated on progress please?

[REDACTED]

From: Mutch, Richard <Richard.Mutch@nhs.scot> **On Behalf Of** Foi

Sent: 12 May 2026 14:27

To: [REDACTED]

Subject: Re: URGENT: Clarification of IT Audit [REDACTED]

[REDACTED] - 11467

No. Nothing has been sent and a long long way off getting to that one.

Rm

From: [REDACTED]

Sent: 12 May 2026 13:42

To: Foi <loth.freedomofinformation@nhs.scot>

Subject: RE: URGENT: Clarification of IT Audit [REDACTED]

[REDACTED] - 11467

Hi Richard,

Can you confirm if this response was sent?

Many thanks,

From: MacDonald, Alison X <[REDACTED]>
Sent: Monday, June 8, 2026 11:33
To: Mutch, Richard <Richard.Mutch@nhs.scot>
Subject: RE: FOI Response - SOP - 11467

Happy with response

Alison Macdonald
Executive Nurse Director
NHS Lothian | Headquarters | Mainpoint | 102 Westport | Edinburgh | EH3 9DN |



From: Mutch, Richard <Richard.Mutch@nhs.scot>
Sent: 03 June 2026 09:58
To: MacDonald, Alison X <[REDACTED]>
Subject: Fw: FOI Response - SOP - 11467

Validated response.
Rm

From: Gillies, Tracey <[REDACTED]>
Sent: Wednesday, June 3, 2026 09:57
To: Mutch, Richard <Richard.Mutch@nhs.scot>; Mackay, Judith <[REDACTED]>
Subject: RE: FOI Response - SOP - 11467

ok

From: Mutch, Richard <Richard.Mutch@nhs.scot>
Sent: 03 June 2026 09:49
To: Gillies, Tracey <[REDACTED]>; Mackay, Judith <[REDACTED]>
Subject: FOI Response - SOP - 11467

Draft FOI response in relation to SOP - removal.

If you are happy with this response or require any amendments please let me know.

Thanks
Richard

Mutch, Richard


Foi

Enclosed is NHS Lothian's response to your FOI Request.

If you require a signed copy or anything else please let me know.

Thanks

Richard

loth.freedomofinformation@nhs.scot