

Date 26 August 2026
Your Ref
Our Ref 11751R

Enquiries to Richard Mutch
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Dear

FREEDOM OF INFORMATION REVIEW UROLOGICAL SURGICAL PATHWAYS

I write in response to your request for review of NHS Lothian's response to your Freedom of Information request about urology surgical pathways. Having discussed your request and our responses, I can respond as follows:

Original Request and Response:

<https://org.nhsllothian.scot/foi/wp-content/uploads/sites/22/2026/08/11430.pdf>

<https://org.nhsllothian.scot/foi/wp-content/uploads/sites/22/2026/07/11597.pdf>

Review Request:

I am writing to formally request an Internal Review of the response provided to my recent FOI request regarding urology surgical pathways.

Grounds for Review:

The response provided is factually irreconcilable with a previous executive-signed disclosure issued by the Board. This creates a data integrity failure that undermines the public's confidence in the Board's governance.

Direct Contradiction:

In a response dated 16/06/2026 (Ref: 11597), signed by the Executive Director of Nursing, the Board explicitly confirmed: "Yes [we utilize stapler devices]" and provided specific technical data (e.g., "Dual grip", "15 minutes" for stapler procedures).

In the response under review, the Board stated: "Staplers are not used in NHS Lothian's theatres."

Governance Failure:

These statements are mutually exclusive. It is not possible for both disclosures to be accurate. As both documents bear the signature of the same Executive Director, this suggests a systemic failure in the Board's ability to verify the accuracy of clinical information before it is formally released to the public.

Requested Resolution:

Under the Freedom of Information (Scotland) Act 2002, I request that a senior officer not involved in the original decision conducts an investigation to:

- Identify which of the two contradictory statements is factually correct.
- Detail the "mechanism of failure" that allowed the Board to issue two completely different accounts of its own surgical capabilities within a 30-day period.
- Confirm if the inaccurate disclosure has been reported to the Board's Information Governance lead for correction.
- Provide a formal, corrected statement regarding the Board's current policy and usage of stapler-assisted surgical technology.

Review Response:

There is no contradiction and the response remain the same.

The second response (11597) was about staplers for circumcisions – the theatre team replied to say they do not use staplers for circumcisions.

They do use staplers for other procedures, and this was the detail provided in the first response (11430) for Urology – not specifically circumcision.

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