

**PUBLIC AUDIT AND POST-LEGISLATIVE SCRUTINY COMMITTEE**

**POST LEGISLATIVE SCRUTINY - FREEDOM OF INFORMATION (Scotland) ACT 2002**

**SUBMISSION FROM : NHS NATIONAL SERVICES SCOTLAND**

Thank you for giving NHS National Services Scotland (NSS) the opportunity to respond to your post-legislative scrutiny of the Freedom of Information (Scotland) Act 2002. We would wish to respond to the questions posed as follows:

1. In your view, what effects has the Freedom of Information (Scotland) Act 2002 (FOISA) had, both positive and negative?

Positive: FOISA actively encourages public authorities to be a more open and transparent organisation that is accountable to the public in the way it transacts its business. NHS National Services Scotland now proactively publishes information by, for example, directing the public to the information that it publishes on its website (publication scheme) and also via the Public Health and Intelligence (PHI) Open Data website.

Negative: None.

2. Have the policy intentions of FOISA been met and are they being delivered? If not, please give reasons for your response.

The policy intentions of FOISA are currently being delivered within our organisation as FOI is now business as usual with a dedicated pool of staff who are responsible for responding to requests.

3. Are there any issues in relation to the implementation of and practice in relation to FOISA? If so, how should they be addressed?

No.

4. Could the legislation be strengthened or otherwise improved in any way? Please specify why and in what way.

There should be more consideration under the Act to protect the mental health and wellbeing of public authority staff when being individually named within requests for their email correspondence.

The NSS experience is that if emails are being requested from individually named members of staff these same staff members are concurrently working on national/organisationally wide, complex and high profile pieces of work and the added pressure of having to worry about searching for, reviewing, redacting and disclosing related emails is extremely stressful and has the potential to affect the mental health and wellbeing of affected staff.

Consideration should be made to public authorities having the ability to withhold email correspondence around national/organisationally wide, complex and high profile pieces of work for a defined period of time after the work is complete.

We agree that there is always a public interest in authorities transacting business appropriately in an open and transparent fashion, however there is also a public interest in having expert staff sufficiently able and available to carry out their specialist roles in these circumstances from these added stresses and pressures.

5. Are there any other issues you would like to raise in connection with the operation of FOISA?

No.