

From: [Stefano Rinaldi](#)
To: [Roddy Mitchell](#)
Subject: RE: FOI-2025-000149 - Response (DRAFT)
Date: 10 June 2025 17:32:24
Attachments: [image001.jpg](#)
[image002.jpg](#)

Hi Roddy

Thanks for getting back to me so quickly. I am going to run this past the Comms team as well.

Stef

Stefano Rinaldi

Team Leader & Senior Solicitor
Litigation Team D
Accredited Specialist in Medical Negligence Law

CentralLegalOffice

Gyle Square, 1 South Gyle Crescent, Edinburgh. EH12 9EB

NHS National Services Scotland

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From: Roddy Mitchell <[REDACTED]>
Sent: 10 June 2025 17:08
To: Stefano Rinaldi <[REDACTED]>
Subject: RE: FOI-2025-000149 - Response (DRAFT)

Hi Stef,

Thanks for sharing.

This is a perfect representation of our discussions and I am happy with the content.

Many thanks & kindest regards,

Roddy

Roddy Mitchell

Corporate Records & FOI Organisational Lead
Corporate Governance Team
Finance, Corporate Governance & Legal Services

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From: Stefano Rinaldi <[REDACTED]>
Sent: 10 June 2025 16:54
To: Roddy Mitchell <[REDACTED]>
Subject: FOI-2025-000149 - Response (DRAFT)

Hi Roddy

This is the first of the FOI requests related to the costs in the Peggie case. I have chosen to point out that taken literally there is no information held but given that [REDACTED] is the person who undertook the appeal to the SIC, I thought best to be "helpful" and then set out the exemptions applied in some detail.

Please review and let me know if you think I have addressed the points in the way we agreed when we spoke and if you think there is enough detail.

Thanks

Stef

Dear [REDACTED]

Freedom of Information Reference: FOI-2025-000149

I refer to your request of 28 May 2025 under the Freedom of Information (Scotland) Act 2002 (FOISA) for information in relation to the following:

Further to the SICO Decision of today's date in regards to NHS Fife and their advice that I "may still make a fresh request to either the Authority or National Services Scotland for information now held", I am requesting the following information.

Rule 50 Order

What are the total costs to NSS CLO for this?

Employment Tribunal

How much has the Tribunal cost NSS CLO to date ie the date of receipt of this FOI request?

In terms of Section 17 of FOISA no information is held in relation to this request, as NSS CLO (taken to be the Central Legal Office) does not incur costs, but operates a cost recovery model, which involves charging Health Boards for the legal services provided and external legal costs incurred.

In terms of Section 15 of FOISA (providing advice and assistance), I will treat this request as a request for the legal fees and expenses charged by the Central Legal

Office to NHS Fife in relation to the request about the Rule 50 Order and the Employment Tribunal, as that appears to be what you wish to ascertain.

In terms of the first request related to the costs of the Rule 50 Order, I can advise under Section 17 of FOISA that this information is not held. The application for a Rule 50 Order was dealt with as part of the overall Employment Tribunal proceedings and it is not possible to differentiate the fees and expenses related to the Rule 50 Order and the rest of the Employment Tribunal proceedings. In the circumstances, that information is not held.

As regards the request in relation to the total cost of the Employment Tribunal (i.e. the fees and outlays charged by the Central Legal Office to NHS Fife), this information is held but is exempt from disclosure for the following reasons:

- The Central Legal Office does not release information about the fees and outlays in individual cases because of the potential prejudice it would have to the commercial interests of NHS National Services Scotland and the interests of client Health Boards that engage the legal services of the Central Legal Office and is therefore exempt in terms of Section 33(1)(b) of FOISA. The Scottish Information Commissioner has previously acknowledged these commercial interests - [Decision 098/2007 | Scottish Information Commissioner](#)
- The commercial interests that could be prejudiced are both in relation to the fees that are charged by the Central Legal Office, which could potentially be ascertained if released in individual cases and used by firms of solicitors seeking to compete with the Central Legal Office.
- It could also be used in relation to individual cases to seek to influence the resolution of cases and would mean that parties were not on an equal footing, as it would not be possible for the Health Board or Central Legal Office to ascertain the legal costs incurred by the other party or parties in proceedings.
- As dealing with cases involves the use of public funds the public interest in sharing this information is outweighed by the interest in maintaining the exemption.
- This exemption is applied in relation to all requests related to the costs for individual cases. The Central Legal Office does release information about aggregated legal costs across multiple cases or all cases where required.
- In this instance, however, the exemption relied upon is Section 39(1) related to the Health and Safety of individuals. There is evidence that the release of sensitive information about this case is resulting in reporting which is having an adverse effect on staff of NHS Fife and particularly [REDACTED] who is one of the respondents in the Employment Tribunal - [Trans doctor receives counselling due to the 'incredible distress' of NHS gender tribunal | Daily Mail Online](#)
- The release of information related to the costs of the Tribunal would be likely to endanger the mental health of [REDACTED] and possibly other members of NHS Fife involved in the Employment Tribunal process.

If you are unhappy with any aspect of how we have dealt with your request, you can make representations to us asking us to review the handling of your request. Please

write to the Associate Director Governance & Board Services using the email address nss.foi@nhs.scot within 40 working days of the date of this correspondence.

If after a review you are still unhappy, you also have the right to apply to the Scottish Information Commissioner, who can be contacted at Kinburn Castle, St Andrews, Fife, KY16 9DS, or via their [online Appeal form](#).

Yours sincerely

Stefano Rinaldi

Team Leader & Senior Solicitor

Litigation Team D

Accredited Specialist in Medical Negligence Law

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