



Scottish Information
Commissioner

Our Ref 202301402

Your Ref

Mr Ross McGuffie
Chief Executive
NHS Forth Valley
Carseview House
Castle Business Park
Stirling
FK9 4SW

10 July 2025

Dear Mr McGuffie

FOI Intervention

As you are aware, I opened a Level 1 Intervention with your authority on 9 November 2023. This was opened due to NHS Forth Valley's failure to respond to 51% of requests within the statutory timeframe of 20 working days.

Due to failure to adequately address performance issues within a reasonable timeframe, this intervention was raised to Level 3 on 28 October 2024. I subsequently met with you on 19 March 2025 where I raised my concerns about a lack of progress to improve performance but agreed to allow you some further time to become adequately resourced.

I remain concerned with the performance figures to date. NHS Forth Valley's latest statistics for June 2025 indicate that 39% of all initial responses are late¹. I am equally concerned with NHS Forth Valley's performance in relation to responding to reviews on time.

Given my concerns regarding the lack of progress, I require NHS Forth Valley to provide my team with a detailed Action Plan to meet the following targets:

- An average of 80% of all requests to be responded to on within 20 working days by the end of September 2025
- An average of > 90% of all requests to be responded to within 20 working days by end of December 2025
- 90% of all reviews to be responded to within 20 working days by end of September 2025

¹ Calculated (Failure to respond (FTR)+ late responses(late)/on time responses + late + FTR



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Responding to requests and reviews within 20 working days is set by the statutory requirements in sections 10 and 21 of the Freedom of Information (Scotland) Act 2002(FOISA). If NHS Forth Valley fail to reach these targets in the timeframe stipulated, I will take enforcement action.

Where an authority's practice concerns a failure to adhere to the statutory requirement as set out in Part 1 of FOISA, it is open to me to issue an Enforcement Notice. If an authority fails to comply with an enforcement notice, I may certify to the Court of Session that the authority has failed to comply.

I will only normally cancel an enforcement notice if evidence of a change in practice leading to compliance with Part 1 of FOISA and the Codes of Practice is provided to my satisfaction in advance of the deadline in the notice. In exceptional circumstances, I may cancel it for other reasons: it is for the authority to set out the circumstances and why they are exceptional.

This is a *highly* unusual step, and one that we have never had to resort to in the context of intervention work, but I will have no hesitation to issue an Enforcement Notice if I do not see a significant improvement in FOI performance in the timeframes stipulated.

In addition to the action plan detailed above, I also require NHS Forth Valley to undertake the following:

- Completion of our self-assessment tool kit related to [responding on time](#) and report the results to us by the end of August 2025
- Provide me with a detailed strategy for handling back logged requests by mid-August 2025 – with a view having your back log eradicated by the end of December 2025
- Report to my team progress towards eradicating your back log on a monthly basis
- Urgently update your policy and procedure to reflect that requests should be responded to 'promptly' – shifting focus from purely a 20 working day timeframe.

Please be aware that details of current or recent interventions are published on my website, including quarterly activity reports available via www.foi.scot/Interventions-Activity. A copy of this letter will be published. Interventions may also be referenced in other publications such as the Commissioner's Annual Report and Accounts and any Special Reports, as well as in articles and speeches.

Yours sincerely

David Hamilton
Scottish Information Commissioner