



Scottish Information
Commissioner

Our REF:
202502139
Your Ref:

Carol Potter
Chief Executive
NHS Fife

17 December 2025

Dear Carol Potter

FOI Intervention – Culture and practice

I am writing to formally advise that a Level 4 intervention has been opened regarding Fife Health Board's compliance with Scotland's freedom of information (FOI) law.

As part of my duty to promote and enforce FOI law, I carry out interventions in cases where a Scottish public authority has failed to fulfil its statutory obligations. You can find more details in our Intervention Procedures, which are available via www.foi.scot/Interventions.

Level 4 interventions generally address very serious or consistent concerns, or cases of repeated breaches, and may also be used in the event of a refusal (or clear failure) to comply with FOI law or the Codes of Practice.

As you may be aware, level 4 interventions are extremely rare; however, I consider that – given the range of issues identified – a level 4 intervention is most appropriate in this case.

My office has, through its routine casework, identified a number of concerns. The principal concerns that have led to this intervention are issues with:

- interpretation of requests;
- appropriately clarifying requests;
- applying the public interest test;
- identifying information in scope;
- understanding the personal data provisions of FOI law;
- handling of requests relating to high profile issues;
- cooperation with my office; and
- governance of the FOI function.

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The aim of this intervention is to support Fife Health Board to improve its FOI performance although, at this stage, I anticipate that this will require substantial reforms to your FOI function.

At this stage, I would be grateful if you could confirm who in your organisation will act as the point of contact for routine correspondence regarding this intervention. I would very much appreciate a response **by 14 January 2026**.

Once a main contact has been confirmed my staff will be in touch with details of the information and actions we require. Further detail on the areas of concern set out above will be provided at that point.

Please be aware that the Commissioner publishes details of current or recent interventions, including quarterly activity reports available via www.foi.scot/Interventions-Activity. They 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.

Given the gravity of this intervention, I am copying this letter to Patricia Kilpatrick, Chair of Fife Health Board and Neil Gray MSP, Cabinet Secretary for Health and Social Care.

Please confirm receipt of this letter, and do not hesitate to contact my office if you have any queries or wish to discuss any of the above.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'David Hamilton', with a stylized flourish at the end.

David Hamilton

Scottish Information Commissioner