



Scottish Information
Commissioner
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Decision Notice 144/2026

Protected groups under Equality Act 2010

Authority: Lothian Health Board
Case Ref: 202500893

Summary

The Applicant asked the Authority for various information regarding protected groups under the Equality Act 2010, particularly vulnerable disabled individuals. The Authority provided some information, withheld other information on the basis that it was otherwise accessible to the Applicant and informed her that it did not hold some of the information. The Commissioner investigated and found that the Authority complied with FOISA in responding to parts of the Applicant's request but not others. He required the Authority to reconsider some parts of the Applicant's request and to issue a revised review outcome in respect of these parts.

Relevant statutory provisions

Freedom of Information (Scotland) Act 2002 (FOISA) sections 1(1), (2), (4) and (6) (General entitlement); 10(1) (Time for compliance); 11(1), (2) (Means of providing information); 15(1) (Advice and assistance); 16(1) (Refusal of request); 17(1) (Information not held); 25(1) (Information otherwise available); 47(1) and (2) (Application for decision by Commissioner)

Background

1. On 2 May 2025, the Applicant made a multi-part request for information to the Authority. She asked for various information regarding protected groups under the Equality Act 2010, particularly vulnerable disabled individuals. A full copy of the request, with additional numbering for clarity, is reproduced at Appendix 1.
2. The Authority did not respond to the information request.

3. On 4 June 2025, the Applicant wrote to the Authority, requesting a review of its failure to respond.
4. Later that same day, the Authority notified the Applicant of the outcome of its review. It provided some information, withheld other information under the exemption in section 25(1) of FOISA (on the basis that it was otherwise accessible) and informed the Applicant, in terms of section 17(1) of FOISA, that it did not hold some of the information requested.
5. On 6 June 2025 the Applicant wrote to the Commissioner applying for a decision in terms of section 47(1) of FOISA. She stated that she was dissatisfied with the outcome of the Authority's review for the following reasons:
 - she did not agree that some of the information requested was not held by the Authority
 - she was dissatisfied with the timeliness and format of the Authority's response
 - she did not consider that the Authority had given her appropriate advice and assistance, and she did not agree that the information that the Authority signposted her to was covered by her request.

Investigation

6. The Commissioner determined that the application complied with section 47(2) of FOISA and that he had the power to carry out an investigation.
7. On 19 June 2025, the Authority was notified in writing that the Applicant had made a valid application. The case was subsequently allocated to an investigating officer.
8. Section 49(3)(a) of FOISA requires the Commissioner to give public authorities an opportunity to provide comments on an application. The Authority was invited to comment on this application and to answer specific questions related to the Authority's handling of the request.

Commissioner's analysis and findings

9. The Commissioner has considered all of the submissions made to him by the Applicant and the Authority.

Validity of request 6(a)

10. Section 8(1) of FOISA sets down the basic requirements for a valid request for information made in terms of section 1(1). Section 8(1)(c) specifies that a request must describe the information requested.
11. The interpretation of section 8(1)(c) must be consistent with the overall aim of FOISA, which is to achieve openness with a minimum of formal requirements. Accordingly, the only requirement is that the description is clear enough to allow the information to be identified and located.
12. The Authority did not clearly answer request 6(a). The Commissioner invited the Authority to comment on whether it had in fact responded to this request, and if it considered this request to adequately describe the information requested for the purposes of section 8(1)(c) of FOISA.

13. The Authority did not clearly state that it had responded to this request. However, it indicated that it did not hold this information and that it considered the request adequately described the information requested.
14. Having carefully considered the terms of request 6(a), the Commissioner cannot agree that it adequately describes the information requested for the purposes of section 8(1)(c) of FOISA. Although the topic – instances of patients being required to submit subject access requests (SARs) to access information held by the Authority – is clear, the specific information requested about this topic is not.
15. The Commissioner recognises that there is a wide range of information that could plausibly address this request, including: the date of the SARs, the topics of the SARs, the patients making the requests, the staff members responding to the requests, the text of the requests and the outcome of the requests. In his view, the request, as written, does not adequately describe which of these (or what other) facts are requested.
16. In the absence of any further description of the particular information requested, the Commissioner therefore concludes that request 6(a) does not meet the basic requirements for a valid request for information under FOISA.

Section 1(1) - General entitlement

17. Section 1(1) of FOISA provides that a person who requests information from a Scottish public authority which holds it is entitled to be given that information by the public authority, subject to qualifications which, by virtue of section 1(6) of FOISA, allow Scottish public authorities to withhold information or charge a fee for it. The qualifications contained in section 1(6) are not applicable in this case.
18. The information to be given is that held by the Authority at the time the request is received, as defined by section 1(4) of FOISA. This is not necessarily to be equated with information that an applicant believes the public authority should hold.
19. The standard of proof to determine whether a Scottish public authority holds information is the civil standard of the balance of probabilities. In determining where the balance of probabilities lies, the Commissioner considers the scope, quality, thoroughness and results of the searches carried out by the public authority.
20. The Commissioner also considers, where appropriate, any reason offered by the public authority to explain why it does not hold the information. While it may be relevant as part of this exercise to explore expectations about what information the authority should hold, ultimately the Commissioner's role is to determine what relevant recorded information is (or was, at the time the request was received) held by the public authority.

Request 4(c)

21. In response to request 4(c), the Authority advised the Applicant that all Authority employees must complete mandatory equality and human rights training every three years. This included information about the Equality Act 2010 and the Human Rights Act 1998. It also provided the Applicant with a link to information on its website regarding self-directed education and training resources about equality and human rights, and noted that a programme of in-person equality training was provided annually and is open to all staff.
22. However, during the investigation, the Authority indicated that the information it provided to the Applicant in response to request 4(c) did not, in fact, address her request. It confirmed that staff were not trained to proactively inform patients of their rights under the Equality Act

2010. In reaching this conclusion it explained that it had consulted its Head of Equality and Diversity and its Policy Hub Team, who conducted searches of the Authority's records and identified no records in scope.

23. Given the explanations and submissions provided, the Commissioner accepts that the Authority took adequate and proportionate steps in the circumstances to establish if the information was held and he is satisfied, on balance, that it does not (and did not, on receipt of the request) hold the information requested by the Applicant.
24. Having concluded that the Authority did not hold any recorded information falling within the scope of request 4(c), the Commissioner finds that the Authority failed to give proper notice in terms of section 17(1) of FOISA that it did not hold the information. In failing to do so, it breached Part 1 of FOISA.

Request 10(a)

25. The Authority did not expressly respond to request 10(a) in its review outcome. It also did not respond to the Commissioner's request for an explanation of how it satisfied itself it did not hold any such policies.
26. The Commissioner recognises that it will be relatively uncommon for a public authority to hold a policy that explains why certain information is not held. However, there are certain instances – such as retention schedules that prescribe the times at which certain categories of information should be destroyed – where policies will exist that prescribe that certain information should not be held.
27. In the circumstances, the Commissioner therefore cannot be satisfied that the Authority has conducted adequate and proportionate searches for information falling within the scope of request 10(a).
28. The Commissioner requires the Authority to carry out adequate and proportionate searches, reach a decision on the basis of these searches, and notify the Applicant of the outcome (in terms of section 21 of FOISA).

Section 17(1) – Notice that information is not held

29. The Authority advised the Applicant that it did not hold the information requested in requests 2(a), 2(b), 4(a), 4(b), 7(a), 8(a) and 8(b). During the investigation, it became clear that the Authority also did not consider that it held the information requested in requests 4(d) or 9(a).
30. If the information requested is not held by the authority, section 17(1) of FOISA requires it to give the applicant notice in writing to that effect.
31. The standard of proof to determine whether a Scottish public authority holds information is the civil standard of the balance of probabilities. In determining where the balance of probabilities lies, the Commissioner will make the same considerations set out at paragraphs 19 and 20 above.
32. The Commissioner can only focus on what recorded information is actually held by the Authority (or was at the time of the request). Whether a public authority should hold information which it does not hold is not a matter for the Commissioner to decide, nor does he have any locus, in this context, to determine what information an authority ought to record, or how: he is concerned with what information the authority actually holds.

Request 2(a)

33. In response to request 2(a), the Authority advised the Applicant that it did not have an Equality and Diversity Policy covering both services and employment. However, it informed her that it had a five-year Equality and Human Rights Strategy, which it provided a link to.
34. During the investigation, the Authority informed the Commissioner that it had an Equality, Diversity and Human Rights Policy that set out the Authority's commitment to equality, diversity, inclusion and human rights in employment. It explained that it interpreted the request as seeking a copy of the policy addressing the rights of protected groups, so it had not provided the employment policy to the Applicant.
35. As the Commissioner found in [Decision 125/2025¹](#), in cases where the terminology used by a public authority differs from that used by a member of the public, a public authority should ensure that its interpretation of the request is based on a plain English reading of the request. If there is any doubt, authorities should seek clarification of the request, as they are entitled to do under section 1(6) of FOISA.
36. The Commissioner is not satisfied that the distinctions the Authority has drawn between a policy and a strategy and between services and employment reflect a plain English reading of the request, which would seem to be for policies regardless of how they are labelled and is not expressly limited to patients. However, he recognises that request 2(a) is made in the context of several other requests that clearly express a particular interest in patients (specifically, disabled patients).
37. In all of the circumstances, the Commissioner considers that the Authority should have sought clarification of request 2(a).
38. In the absence of any such clarification, the Commissioner finds that the Authority has failed to correctly interpret the Applicant's request. He requires the Authority to carry out further searches and provide the Applicant with a revised review outcome (in terms of section 21 of FOISA) on the basis of these searches.
39. In so doing, the Commissioner would encourage the Authority to provide advice and assistance to the Applicant, in terms of section 15 of FOISA, with a view to ensuring it has reached a clear, and mutually shared, understanding of the scope of request 2(a) before issuing its revised review outcome in terms of section 21 of FOISA.

Requests 2(b), 4(a) and 4(b)

40. In response to request 2(b), the Authority confirmed that it did not have a reasonable adjustment policy for disabled patients. However, it linked the Applicant to information on its website on how it complied with the Equality Act 2010 and the reasonable adjustment duty, as well as further information on how it complied with the Public Sector Equality Duty.
41. In response to requests 4(a) and (b), the Authority stated that it did not "provide recorded information about the Equality Act 2010". However, it linked the Applicant to information on its website which signposted to other organisations (e.g. the Patient Advice and Support Service, Citizens Advice and independent advocacy services) that could provide relevant advice and support.
42. During the investigation, the Authority explained to the Commissioner that it consulted its Head of Equality and Human Rights, who leads work to ensure compliance with its equality

¹ <https://www.foi.scot/sites/default/files/2025-05/Decision125-2025.pdf>

and human rights duties, in response to the request. While the Authority explained it had plans to provide more information to patients, it confirmed that these were not yet implemented.

43. Given the explanations and submissions provided and the nature of the information requested, the Commissioner accepts that the Authority took adequate and proportionate steps in the circumstances to establish if the information was held and he is satisfied, on balance, that it does not (and did not, on receipt of the request) hold the information requested by the Applicant.
44. The Commissioner therefore concludes that the Authority was entitled to give the Applicant notice, in terms of section 17(1) of FOISA, that it did not hold the information requested.

Request 4(d)

45. In response to request 4(d), the Authority advised the Applicant that all requests for personal information must be made via a subject access request process. It also informed the Applicant that all Authority employees must undertake mandatory information governance training, with further information and guidance also available on the Authority's Information Governance intranet pages.
46. Given the explanations and submissions provided and the nature of the information requested, the Commissioner accepts that the Authority took adequate and proportionate steps in the circumstances to establish if the information was held and he is satisfied, on balance, that it does not (and did not, on receipt of the request) hold the information requested by the Applicant.
47. In the circumstances, the Commissioner accepts that, given that it is the Authority's policy that personal information should be requested through the subject access request process, it would not hold recorded information on how the Authority's staff are trained to proactively inform vulnerable disabled patients that they can access their NHS records without submitting a SAR, which is what request 4(d) asked for.
48. The Commissioner therefore concludes that the Authority was entitled to give the Applicant notice, in terms of section 17(1) of FOISA, that it did not hold the information requested.

Requests 7(a), 8(a) and 8(b)

49. In response to requests 7(a), 8(a) and 8(b), the Authority advised the Applicant that the homecare services that she had asked about were managed and delivered by local authorities or integrated partnerships as part of their social care responsibilities. It explained that it therefore was not responsible for the planning, delivery or oversight of these services and did not hold the information requested in requests 7(a), 8(a) and 8(b). It recommended that she instead make an information request to the relevant local authority for this information.
50. While the Commissioner accepts that the Authority does not run these services, he considers it nevertheless possible that the Authority may hold some information relevant to requests 7(a), 8(a) and 8(b), given the links between it and the local integration joint boards (which provide social care).
51. The Authority did not provide any evidence of any searches it carried out in response to requests 7(a), 8(a) and 8(b). The Commissioner therefore cannot be satisfied that the Authority has conducted adequate and proportionate searches for information falling within the scope of these requests.

52. The Commissioner requires the Authority to carry out adequate and proportionate searches, reach a decision on the basis of these searches, and notify the Applicant of the outcome (in terms of section 21 of FOISA).
53. However, the Commissioner would repeat the Authority's suggestion that the Applicant may wish to submit a separate request to the relevant local authority/integration joint board, as they may be better placed to hold and provide the information requested.
54. The Commissioner notes that integration joint boards are public authorities in their own right. His finding in this decision notice relates only to information held by the Authority itself for the purposes of FOISA, not any information held by the Authority solely on behalf of an integration joint board.

Request 9(a)

55. In response to request 9(a), the Authority advised the Applicant that it was not aware of any policy where care would be withdrawn or restricted due to complaints and that any decisions to restrict clinical care would be a clinical decision.
56. The Authority did not provide evidence of its searches in response to request 9(a).
57. Generally, the Commissioner will expect to be able to see evidence of searches for requested information – even information that the Authority expects not to be held. However, given the highly specific nature of the information requested – policies or guidance for withdrawing life-prolonging care from disabled patients due to their complaints – the Commissioner accepts that it is very unlikely that the Authority would hold any information relevant to request 9(a).
58. The Commissioner therefore concludes that the Authority was entitled to give the Applicant notice, in terms of section 17(1) of FOISA, that it did not hold the information requested.

Section 25 – Information otherwise accessible

59. Information which an applicant can reasonably obtain other than by requesting it under section 1(1) of FOISA is exempt from disclosure. This exemption is not subject to the public interest test in section 2(1)(b) of FOISA.
60. Section 25(1) is not intended to prevent or inhibit access to information, but to relieve public authorities of the burden of providing information that an applicant can access readily without asking for it.
61. The Applicant indicated that the information she had requested was not on the websites she was directed to, and that the Authority failed to signpost her to the relevant sections.

Request 1(a)

62. In response to request 1(a), the Authority advised the Applicant that information on how to make a subject access request was available in its subject access policy and provided her with a link to this policy.
63. The Commissioner is satisfied that the Authority's response to request 1(a) directly addressed the Applicant's request for information on how patients are informed of their rights to access personal data.
64. The Commissioner therefore accepts that the Authority was entitled to issue a response to request 1(a) in terms of section 25(1) of FOISA.

Request 2(c)

65. In response to request 2(c), the Authority advised the Applicant that its complaints handling procedure was available on its website and provided a link to this information. It also informed the Applicant that relevant information was available on its Patient Advice & Support webpage and provided a link to this information, as well as a link to advocacy agencies.
66. The Commissioner notes that the link the Authority provided to its complaints handling procedure does not, in fact, provide the Authority's full complaints handling procedure. However, it contains a link clearly labelled "[The Authority's] Complaints Handling Procedure," that does lead to the page containing the Authority's [complaints handling procedure](https://www.nhslthian.scot/yourrights/patient-experience-team-tell-us-about-your-experience/how-to-give-feedback/nhs-lothian-complaints-handling-procedure/)².
67. While the Commissioner considers that the Authority's review outcome could have more directly signposted the Applicant, he is satisfied that this page did lead to the policies covered by request 2(c).
68. The Commissioner therefore accepts that the Authority was entitled to issue a response to request 2(c) in terms of section 25(1) of FOISA.

Request 5(a)

69. In response to request 5(a), the Authority advised the Applicant that information was available on the Authority's Equality and Children's Rights Impact Assessment and Public Equality Duty reports webpages, using the links it had provided to her in response to request 2(a)-(c).
70. Having considered the terms of the request and the information the Authority linked the Applicant to, the Commissioner is satisfied that the Authority's response to request 5(a) directly addressed the terms of that request.
71. The Commissioner therefore accepts that the Authority was entitled to issue a response to request 5(a) in terms of section 25(1) of FOISA.
72. However, the Authority failed to state that it was relying on the exemption in section 25(1) of FOISA in response to request 5(a). In this respect, the Authority failed to comply with section 21(5) of FOISA.
73. Given that the Commissioner accepts that the Authority was entitled to issue a response to request 5(a) in terms of section 25(1) of FOISA, he does not require the Authority to take any action in respect of this failure, in response to the Applicant's application.

Section 11 – Means of providing information

74. Under section 11(1) of FOISA, a Scottish public authority is required, so far as is reasonably practicable, to give effect to the preference(s) of a person requesting information, where they express a preference for receiving information by one or more of three specified means in section 11(2). These means are:
 - (a) a copy of the information, in permanent form or another form acceptable to the applicant;

² <https://www.nhslthian.scot/yourrights/patient-experience-team-tell-us-about-your-experience/how-to-give-feedback/nhs-lothian-complaints-handling-procedure/>

- (b) a digest or summary of the information and;
- (c) a reasonable opportunity to inspect a record containing the information.

- 75. Section 11(3) of FOISA states that, in determining whether it is reasonably practicable to provide information in the specified format, the authority may have regard to all the circumstances, including cost. Where the authority determines that it is not reasonably practicable to give effect to the preference, it must explain why.
- 76. Where section 11(1) of FOISA does not apply, section 11(4) permits the authority to provide the information by any means which are reasonable in the circumstances.
- 77. In this case, the Applicant expressed dissatisfaction in her application that the Authority had not provided the information requested in an accessible format, despite her requesting that it be provided in a PDF or plain text format.
- 78. The Court of Session stated in [Glasgow City Council v The Scottish Information Commissioner \[2009\] CSIH 73](#)³ (at paragraph 57):

“When section 11(2)(a) refers to the “form” in which a copy of the information may be provided, it appears to us to have in mind such possible forms as electronic files, paper documents, audio or video tapes, or verbal communication. That is consistent with the sense in which the word “form” is used elsewhere in the Act (e.g. in sections 8(1)(a) and 47(2)(a)).”
- 79. The Commissioner considers that, where reasonable, section 11 of FOISA extends to providing information in the requested file format.
- 80. In the circumstances of this case, the Commissioner is aware of no reason to consider provision of the information requested in a PDF format to be anything other than reasonable. He notes that the Authority ultimately provided the information in this format on 25 June 2025. He is aware of no reason or difficulty that prevented the Authority from doing so by the date of the review outcome.
- 81. In the circumstances, the Commissioner therefore finds that the Authority failed to comply with section 11(2)(a) of FOISA at the date of the review outcome.
- 82. However, as the Authority has now provided the information to the Applicant in the format requested, the Commissioner does not require the Authority to take any action in respect of this failure, in response to the Applicant’s application.

Section 15 – Duty to provide advice and assistance

- 83. Section 15(1) of FOISA requires a Scottish public authority, so far as is reasonable to expect it to do so, to provide advice and assistance to a person who proposes to make, or has made, a request for information to it.
- 84. As stated above, the Authority failed to seek clarification of request 2(a). In this respect, the Commissioner finds that the Authority failed to comply with section 15 of FOISA.
- 85. The Authority otherwise provided the Applicant with advice and assistance including providing her with links to further information it considered she may find useful and by explaining what other public authorities might hold information relevant to her requests. In

³ <https://www.bailii.org/scot/cases/ScotCS/2009/2009CSIH73.html>

these respects, the Commissioner finds that the Authority complied with its duty under section 15 of FOISA.

Timescales

86. The Applicant expressed dissatisfaction in her application that the Authority had failed to respond to her initial request on time.
87. Section 10(1) of FOISA gives Scottish public authorities a maximum of 20 working days after receipt of the request to comply with a request for information, subject to qualifications which are not relevant in this case.
88. It is a matter of fact that the Authority did not provide a response to the Applicant's request for information within 20 working days, so the Commissioner finds that it failed to comply with section 10(1) of FOISA.
89. As the Applicant wrote to the Authority requiring a review in respect of its failure to respond prior to the Authority issuing a response to her request, the Authority's response was a review outcome in terms of section 21 of FOISA.
90. In this respect, the Commissioner notes that the Authority's failure to respond to the Applicant's request for information within the timescale laid down by section 10(1) of FOISA deprived her of the ability to submit a requirement for review of the substantive content of the Authority's response.
91. The Commissioner considers it likely that many of the failures to comply with FOISA that he has found above would have been identified and corrected had the Authority been able to consider and respond to a substantive requirement for review from the Applicant. He would therefore urge authorities to ensure that they meet the statutory timescale laid down by section 10(1) of FOISA.

Decision

The Commissioner finds that the Authority partially complied with Part 1 of the Freedom of Information (Scotland) Act 2002 (FOISA) in responding to the information request made by the Applicant.

The Commissioner finds that the Authority complied with Part 1 of FOISA (in particular sections 1(1) and 15) by:

- advising the Applicant that some of the information requested was not held
- informing the Applicant that some of the information requested was otherwise available
- providing appropriate advice and assistance in response to some of the Applicant's requests.

However, the Commissioner finds that the Authority failed to comply with Part 1 of FOISA (in particular sections 1(1), 10, 11 and 15) by:

- failing to satisfy the Commissioner that some of the information requested was not held
- not giving the Applicant notice that some of the information requested was otherwise available
- failing to appropriately clarify some of the Applicant's requests
- not giving effect to the preferences of the Applicant in providing the information requested

- failing to comply with the timescale allowed by section 10 of FOISA.

The Commissioner requires the Authority to – in relation to requests 2(a), 7(a), 8(a), 8(b) and 10(a) – carry out adequate, proportionate searches, reach a decision on the basis of these searches and notify the Applicant of the outcome (all in terms of section 21 of FOISA), by **20 July 2026**.

Appeal

Should either the Applicant or the Authority wish to appeal against this decision, they have the right to appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days after the date of intimation of this decision.

Enforcement

If the Authority fails to comply with this decision, the Commissioner has the right to certify to the Court of Session that the Authority has failed to comply. The Court has the right to inquire into the matter and may deal with the Authority as if it had committed a contempt of court.

Euan McCulloch
Head of Enforcement
3 June 2026

Appendix 1: Request of 2 May 2025

NB: Subheadings added for clarity

Under the Freedom of Information (Scotland) Act 2002, I am requesting the following recorded information held by NHS Lothian Health Board regarding protected groups under the Equality Act 2010, particularly vulnerable disabled individuals:

1. Information Provided to Patients:

- (a) Please provide recorded information on how patients are informed of their rights to access their NHS records under the Patient Rights (Scotland) Act 2011.
- (b) Please provide the policy or guidance that explicitly states that patients can access their NHS records without submitting a Subject Access Request (SAR).

2. Policies for Protected Groups:

- (a) Please provide a copy of your Equality and Diversity Policy, explicitly addressing the rights of protected groups (e.g. disability and age) under the Equality Act 2010.
- (b) Please provide recorded information on the Health Board's reasonable adjustments policy for disabled patients, including the procedure followed to ensure compliance with the Equality Act 2010, particularly concerning the Public Sector Equality Duty
- (c) Please provide recorded guidance or policies that outline the procedures for handling complaints from individuals asserting their Equality Act rights (e.g. discrimination, harassment, victimisation).

3. Procedures for Discrimination Complaints and Protected Acts:

- (a) Please provide recorded information on the procedure the Health Board follows when a patient complains about discrimination related to a protected characteristic, including how Protected Acts are identified, investigated, and resolved. Additionally, confirm whether a specific Protected Act handling procedure is recorded for the benefit of protected groups.
- (b) Please provide details of an accessible contact point and pathway for individuals raising Equality Act-related complaints.

4. Information for Vulnerable Disabled Individuals:

- (a) Please provide the recorded information the Health Board has (such as leaflets or website content) that informs disabled individuals of their rights under the Equality Act, including the right to reasonable adjustments and protection from discrimination.
- (b) Please provide recorded information on how this information is made accessible and distributed to vulnerable, disabled patients by the Health Board.
- (c) Please provide recorded information on how NHS care workers are trained to inform disabled patients of their Equality Act rights proactively.

- (d) Please provide recorded information on how NHS care workers are trained to proactively inform vulnerable disabled patients that they can access their NHS records without submitting a SAR.

5. Public Sector Equality Duty Compliance:

- (a) Please provide the recorded information demonstrating how the Health Board ensures compliance with the Public Sector Equality Duty under Section 149 of the Equality Act 2010, particularly concerning protected acts.

6. Health Board Contractor NHS Record Access:

- (a) Please provide recorded information on instances where patients are required to submit SAR to access their NHS records, along with any supporting documents demonstrating alignment with their rights under the Patient Rights (Scotland) Act 2011, including accessibility requirements.
- (b) Please provide recorded information on how the Health Board ensures contractors (e.g. homecare providers, GP practices) comply with patient rights under the Patient Rights (Scotland) Act 2011.
- (c) Please provide recorded information on whether the Health Board contractors (e.g., homecare providers, GP practices) or other Health Boards working on their behalf require formal requests, such as SARs from patients, when they need to access their NHS records, and the justification for this requirement.
- (d) Please provide the guidance from the Health Board, issued to contractors regarding patient access to their own NHS records, including whether formal requests such as SARs are required.

7. Risk Assessments for Homecare Services:

- (a) Please provide recorded information on whether the Health Board has conducted risk assessments to evaluate the necessity of a Patient Support Programme (PSP) related to homecare services. If available, please provide copies of these assessments or a summary of findings, including the criteria used to determine whether a PSP is necessary.

8. Workforce Planning for Homecare Services:

- (a) Please provide recorded information on whether the Health Board has conducted a review of workforce planning for homecare services between 2020 and 2025 to ensure appropriate staffing levels.
- (b) Additionally, please provide findings that evaluate staffing safety and the processes in place for oversight and escalation, in alignment with the Health and Care (Staffing) (Scotland) Act 2019

9. Withholding & Withdrawal of NHS Care for Disabled Patients:

- (a) Please provide recorded guidance or policies outlining the procedures for withholding or withdrawing NHS care, prescriptions, and proven safe, beneficial, life-prolonging treatment from disabled patients due to their complaints.

If available, please provide the requested information in an accessible format that is easy to understand, such as plain language for individuals with disabilities, and all requested information in electronic format (PDF). If any part of this request is unclear or exceeds the cost limit under FOISA, please contact me so I can refine the scope. If exemptions apply, please specify which exemptions and provide the reasons for withholding the information, as required under FOISA.

10.

- a) If the NHS Health Board does not hold some of this information, please confirm its absence and provide any recorded policies explaining why it is not documented.