

Dr Peter Gordon

Email: request-163099-d1bf8032@whatdotheyknow.com

Date: 23 July 2013

Your Ref:

Our Ref: 401

Enquiries to: M Waterston

Direct Line: 0131 623 4608

Email:

margaret.waterston@nhs.net

Dear Dr Gordon

Pharma payments

Further to your email of 25 June, which included a request for information in addition to that for a review, please find our response below.

Q.1. 'Under FOI could you provide for the public the QIS Code of Conduct and explain from what date it was followed? One assumes well before the Scottish Government Guidance was published on Hospitality, Payments and potential COI involving any NHS staff?'

A. Please find accompanying this letter the NHS QIS code of conduct. The code was issued in October 2004:

- NHS QIS Code of Conduct - October 2004

Q.2. 'Can you provide the Hospitality Registers for the QIS Code of Conduct?'

A. Please find attached information on gifts and hospitality received during financial years 2009-2010 and 2010-2011.** NHS QIS was dissolved on 31 March 2011:

- Table1GiftsHospitality

Q.3. 'You have zero returns as this policy has only just been implemented. Is this correct?'

A. In respect of registering hospitality, both codes have implemented the same position.

Please note that the review response from Dr Sara Twaddle sets out the position on payments to Healthcare Improvement Scotland staff working for SIGN, Scottish Health Technology Group (SHTG), and SMC.

If you are not satisfied with this response, you have a right under the Freedom of Information (Scotland) Act 2002 to ask for an independent review within Healthcare Improvement Scotland.

Review requests must be made within 40 days of either (a) the 20th day after the submission of the request or (b) the date on which the applicant receives the information which is the subject of the review request, or you receive a notice of fees payable, of refusal, or that the information requested is not held by Healthcare Improvement Scotland. In addition to asking for a review, you should outline the nature of your complaint. Our obligation is to respond to this requirement for review promptly, and by no later than 20 working days. In order to ensure that a review request is handled independently within Healthcare Improvement Scotland, you should direct it to:

Dr Sara Twaddle
Head of Evidence and Technologies
Healthcare Improvement Scotland
Gyle Square
1 South Gyle Crescent
Edinburgh EH12 9EB Tel: 0131 623 4300

If you are not satisfied with the outcome of such a review, you are entitled to refer the matter to the Scottish Information Commissioner (www.itspublicknowledge.info), telephone 01334 464 610, within six months of receiving the fee or review notice concerned, or of the expiry of the 20 working days allowed for issue of a review notice. Following the outcome of an appeal to the Scottish Information Commissioner, you have a right of appeal to the Court of Session.

Thank you for your request. I wish you well in the search for the information.

Yours sincerely



Maggie Waterston
Head of Finance.

****** We do not believe the authority should provide you with the information you seek as it constitutes information which is exempt from disclosure under the terms of the Freedom of Information (Scotland) Act 2002. The grounds on which we claim exemption are:

Section 38 (1)(b) together with 38(2) of the Freedom of Information (Scotland) Act 2002.

Section 38 provides that we may refuse to provide information where considered as personal data as defined in the Data Protection Act 1998, and the release of the information would be in breach of the data protection principles, in particular:

- 1st Principle [Fair and Lawful processing];
- 6th Principle [Data Subject Rights]

as defined in the Data Protection Act 1998. This exemption is an absolute exemption under the Freedom of Information (Scotland) Act 2002.

Individuals who are not *senior* employees have a reasonable expectation that declarations of small-scale gifts and hospitality will not be released into the public domain along with their names (personal information).

The redacted information is indicated thus: Officer x 1 [ie without name]