

By email

Alan George

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Date	22 April 2021
Our Ref	LBH/FOI/2021/148R
Your Ref	
Enquiries to	Lesley Hall
Extension	58600
Direct Line	01224 558600
Email	lesley.hall@nhs.scot

Dear Mr George

Request for Review of Decision under Freedom of Information (Scotland) Act 2002 (the Act)

Thank you for your email of 29 March 2021 requesting a review of the response of the same date to your original Freedom of Information request of 1 March 2021 concerning Woodhill House.

I have considered the matter along with relevant colleagues and am now in a position to respond.

In response to the specific point you raise in your review request regarding "...what acquisition you may wish to complete. Is it a purchase or a lease?" colleagues confirm that they are exploring all options in respect of Woodhill House. This includes potential purchasing and/or leasing. No decision has yet been made by the Board.

With regard to your point about the use of the exemption in S.33(1)(b) of the Act, I am satisfied that it was appropriate. The release of information concerning potential commercial options for property transactions prior to them being considered by the Board is likely to prejudice substantially the commercial interest of NHS Grampian and of other interested parties, distorting a commercial dialogue inappropriately. Also, a consideration of options in respect of a matter such as this is likely to be considered by the Board as reserved business to allow commercial interests to be discussed without prejudice.

NHS Grampian is required to have regard to the public interest in the application of this exemption. Although NHS Grampian recognises the interest in the expenditure of public funds, it must also recognise the public interest in its ability to conduct commercial activities without prejudice to seek best value. NHS Grampian notes that significant expenditure is reported in Financial Statements and other channels at appropriate times. Therefore, I conclude that the balance of public interest favours the continued use of the stated exemption from disclosure at this time.

Having considered the matter at review, I also consider the information requested to be exempt from disclosure further to S.30(b) and S.30(c) of the Act. Options concerning the matter have not yet been presented to the Grampian NHS Board. Those options are likely to be considered as reserved business to facilitate the free and frank exchange of views and the free and frank provision of advice from officers. The effective management of the Health Board, its financial assurance processes and its ability to seek best value rely on some matters being considered in this way. As such, I am satisfied that the disclosure of the information requested at this time is likely to be substantially prejudicial to the effective conduct of public affairs.

NHS Grampian is required to have regard to the public interest in the application of this exemption. As above, I recognise the interest in the NHS Grampian's affairs but I am satisfied that the greater public interest is in proper process being followed without prejudice, to allow the Board to complete normal due diligence processes, ensure effective oversight and seek best value.

We trust that this response is helpful. If we can be of further assistance, please let us know.

Please note that if you are unhappy with this response to your review request, you may apply to the Scottish Information Commissioner within six months of receiving this letter for a decision as to whether your request for information has been dealt with in accordance with the provisions of the Act.

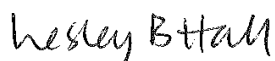
Requests for appeal can be made by using the online service at www.itspublicknowledge.info/Appeal or by contacting:

Office of the Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
KY16 9DS
Telephone: 01334 464610
Email: enquiries@itspublicknowledge.info

If you are dissatisfied with the Commissioner's decision, you may appeal on a point of law to the Court of Session.

I have copied this response to the Information Governance Team for information.

Yours sincerely



Lesley B Hall
Assistant Board Secretary

cc Information Governance Team