

Date: 18 November 2024  
Our ref: K: FOI/Ref: 2024-000366  
Email: [NSS.DevServicesFOI@nhs.scot](mailto:NSS.DevServicesFOI@nhs.scot)

**Freedom of Information Reference: FOI-2024-000366 – IRIC Adverse Incident report.**

I refer to your freedom of information request that we received on 22 October 2024 requesting the following information.

**I have been trying to obtain sight of an Adverse Incident report Ref: 2022/002/014/291/011. As per the email trail below, I have been signposted to a number of addresses/contacts. The last instruction being this email address.**

**My request/enquiry remains as per the initial email to 'Devices Compliance', as follows:**

**Dear Sir/Madam,**

**I write with respect to the above mentioned reported adverse incident in the hope of accessing both the initial report submitted and any outcome from this.**

**My attempts to access the information on the internet have proved exhaustive and I would very much appreciate your assistance.**

**The report relates to a lower limb prosthetic and a resulting failure of the assembly.**

**Could you please direct me accordingly and please do feel free to contact me direct should this assist in the process.**

We have now completed the search of our records and can provide you with the following information:

**I write with respect to the above mentioned reported adverse incident in the hope of accessing both the initial report submitted and any outcome from this.**

NHS National Services Scotland (NSS) can confirm that we do hold this information however, under [FOISA Section 36\(1\) for "Claim to Confidentiality of Communications"](#) it is subject to exemption. The report requested is part of ongoing litigation and is subject to legal professional privilege and is therefore confidential. The report may be publicly available once legal proceedings have concluded.

As the Section 36(1) exemption is a "Qualified" exemption NSS have carried out a [Public Interest Test](#) so that the exemption can be applied. The information relates to legal professional privilege, and although there is always a clear public interest in relation to Scottish public authorities acting in an open and transparent manner, the disclosure of legal advice would substantially prejudice the ability of the Central Legal Office to give full and frank legal advice to their clients when legal advice is required. For this reason, NSS have assessed that the balance is in favour of maintaining the exemption in order to ensure that legal advice can be obtained in a way that allows the Central Legal Office to put in place arrangements for the provision of full and frank legal advice to its clients.



Chair Keith Redpath  
Chief Executive Mary Morgan

*NHS National Services Scotland is the common name of the  
Common Services Agency for the Scottish Health Service*

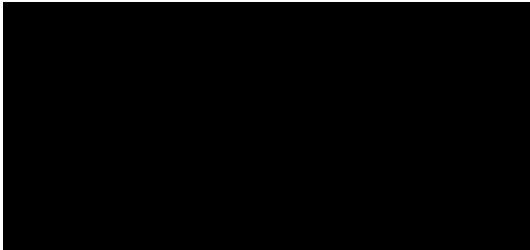
I trust you will find the information of assistance and if you require any further information, please do not hesitate to contact me.

If you are unhappy with any aspect of how we have dealt with your request, you can make representations to us asking us to review the handling of your request. Please write to the Associate Director Governance and Board Services (Board Secretary) at the email address [nss.foi@nhs.scot](mailto:nss.foi@nhs.scot) within 40 working days of the date of this correspondence.

If after a review you are still unhappy, you also have the right to apply to the Scottish Information Commissioner, who can be contacted at Kinburn Castle, St Andrews, Fife, KY16 9DS, or via their [online application form](#).

If you have any queries about this letter, please contact me at the above address.

Yours sincerely,



Chair                      Keith Redpath  
Chief Executive        Mary Morgan

*NHS National Services Scotland is the common name of the  
Common Services Agency for the Scottish Health Service*