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5th March 2009

To the Public Inquiry Team
Jack Gillon, Brian Dow, Brian McClelland,
John Cash, Peter Foster and Bob Perry

Dear Colleagues

Re Penrose Inquiry

The Scottish Government Public Inquiry into the infection of haemophiliacs and other with HIV and Hepatitis C [HCV] has begun. The Penrose team has been formed and a meeting between the Penrose legal team and the NSS / SNBTS team [CLO] has taken place. This meeting has been followed up with informal discussions to clarify the initial meeting outcomes.

The Penrose Inquiry has requested a list of documents held by SNBTS. It is clear that this is intended to be a list of documents relevant to the remit of the Inquiry, although we are asked to interpret this widely and to list the documents in a basic form – that is, not selected by us. The list will be very substantial. It is anticipated that further informal communication with the Penrose team will ensure that the documents list[s] is going to meet their requirements. All documents will be made available, of course, but it is unlikely – for example – that Penrose will wish to receive the millions of donor records in existence.

In due course [perhaps a month or more] a formal order for disclosure of the papers will be received from the Penrose team. Following the release of the papers Lord Penrose will consider these and develop what is described as an interim report, which will identify those areas he wishes to develop in public hearings and identify witnesses he proposes to call. The interval between the order for disclosure and the interim report is likely to be one year. The details of the modus operandi will be made public at a meeting planned, we believe, for the Edinburgh International Conference Centre later this month. SNBTS plans to have a comprehensive list of document holdings delivered to Penrose prior to that meeting, even if this is not the final list.

The means of communication between NSS / SNBTS has been determined to be through the SNBTS Public Inquiry [PI] team, which consists of myself with overall responsibility through Keith Thompson to the NSS Board, and at present a small team in Ellen's Glen Road. A senior NHS manager, Neil Billing, has been appointed

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

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[Signature]*

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To the Public Inquiry Team (contd.)

to manage the SNBTS PI team and Carol Bienek will report to him. I am in the process of setting up a dedicated 'nhs.net' e-mail box to receive communications according to a clear communication plan, which I will issue when the mail address is confirmed. In the mean-time, please remember that e-mail correspondence is disclosable under the Freedom of Information Act, and messages should be shared with this in mind.

CLO is currently developing a memorandum which will clarify the roles and support to be given to current, immediate past and past employees of NSS / SNBTS who have the relevant knowledge and who are likely to be called as witnesses, or will act as advisors to SNBTS.

The immediate priority for the SNBTS PI team is to prepare the list of papers for Penrose. This will consume activity over the next few weeks. It will not be possible to consider specific queries or concerns during this time. I will ensure that as we develop the list we share this amongst ourselves to ensure that nothing is being overlooked. Thereafter, a revised work-plan will be issued and the necessary investigations managed from the SNBTS PI team.

I will aim to keep you all informed as to progress on a regular basis and to convene a further meeting after the public announcement by the Penrose team.

Yours sincerely



Ian M Franklin, PhD FRCP FRCPATH
National Medical and Scientific Director

cc Neil Billing
Carol Bienek
Keith Thompson
Susan Murray
Ranald MacDonald