Request Reference: FOI/005/22
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The original response was found to contain inaccurate information. The information was updated on 03 April 2023.

Information requested:
1. How many patients/people are in Carstairs with a) a diagnosis (or primary diagnosis) of autism or b) with a learning disability?
2. How many of these patients (ie patients with a diagnosis of autism and or learning disability) were referred from the community not the courts or have not been referred following a conviction?
3. What is the longest period of time in years any of these patients has spent in Carstairs?
4. What is the longest period of time in days any of these patients has spent in Carstairs?
5. What is the average time they have spent in Carstairs?
6. And what are the ages of these particular patients?
7. Are any of these patients recorded as "delayed discharge" and if so for how long has their discharge been delayed?

Please provide responses to questions 3 – 7 based on the cohort of patients from question 2.

Response:

Question	Original Response (Incorrect)	Update Response
1	a) 5 b) 17	a) 6 b) 18
2	9	9
3	17 years 4 months	32 years 8 months
4	Between 6325 and 6355 days	Between 11920 and 11950 days
5	3094 days (8.5 years)	3585 (9.8 years)
6	The range of patients' ages are 23 – 63 years, with an average of 40.1 years and a median of 40 years.	The range of patients' ages are 23 – 63 years, with an average of 40.6 years and a median of 39.5 years.
7	No	No

Advice and Guidance

Under section 38(1)(b) for FOISA, information is exempt from disclosure if the information constitutes personal data and one of three addition conditions is met. In these cases the condition in section 38(2A)(a) –*would contravene any of the data protection principles*, applies.
The first data protection principle (UK GDPR Article (5)(1()(a)) – "*Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject."*
In response to question 1 a); We have not provided a breakdown of patients with a primary diagnosis of autism. If we were to disclosure this information, it would be possible to identify one or more patients when linked to other publically available information. This information is therefore exempt from disclosure under FOISA section 38(1)(b).
In response to question 5; We have provided a range of days because if we were to provide a specific number of it would be possible to identify a patient when linked to other publically available information. This information is therefore exempt from disclosure under FOISA section 38(1)(b).
In response to question 6; If we were to provide the individual ages of the patient cohort that the request relates to a motivated individual would be able to identify individuals by cross referencing this information with other information already in the public domain, such as TV, newspaper, social media and other online articles. This information is therefore exempt from disclosure under FOISA section 38(1)(b).

Once an individual has been identified, it discloses part of their medical diagnosis, which is part of their medical records and classified as special category information under the UK GDPR.

All patients of NHS Scotland have the expectation that the information held about them by health boards will be kept confidential. Taking this, the availability of additional information and where given, the express wishes of the patients within the cohort in to account, it would be unfair to the patients to publish this information.