

Request Reference: FOI/024/23

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Information requested:

Hi, please could your supply statistics for death due to cardiac issues for 19 to 44 yr olds for the last 5 or 10 years please

Response:

We are sorry that we are not able to provide the information that you have asked for and in accordance with section 16(1) of FOISA we provide a refusal notice.

Refusal Notice

The State Hospital holds health records that can answer the question. However, the number of patients that have died at the State Hospital in any given year, as can be seen from our response to FOI/010/23 (https://www.tsh.scot.nhs.uk/wp-content/uploads/2023/07/FOI_010_23.pdf), is very low.

The low numbers involved make the identification of individuals highly likely. Information that identifies a patient from their health record is exempt from disclosure because;

1. We owe a common law duty of confidentiality to all patients, which continues after the death of the patient. (Exempt from disclosure under FOISA 36(2))
2. The information would be held in a deceased person's health record. (Exempt under FOISA 38(1)(d))

Both of these exemptions are absolute exemptions and do not require a public interest test.

Whilst we have answered a question about deaths from Covid in the past (https://www.tsh.scot.nhs.uk/wp-content/uploads/2023/07/FOI_003_23.pdf), we did so because we considered there was likely to be public interest in this specific statistic. We cannot answer further questions about other potential causes of death.

It would be a relatively simple exercise to ask repeated questions about a variety of causes of death. Through a process of elimination, it would be possible to identify the cause of death of a patient (which is confidential).

I.e. If we were asked about a cause of death and we did not have any patients that had died from that condition, we could answer zero. However, if we had had a patient that had died of the condition we would exempt the information as outlined above. By doing so, we would have disclosed the patient's cause of death by inference.

Taking in to account the wealth of information already published by the media, Facebook groups and other online sources about patients treated by the State Hospital, jigsaw identification would be a relatively trivial exercise.

Advice and Guidance

If you are seeking research data from the State Hospital, please contact TSH.Info@nhs.scot and state that you are seeking information for research.

If you are seeing research data from NHS Scotland, please contact the Public Benefit and Privacy for Health and Social Care <https://www.informationgovernance.scot.nhs.uk/pbpphsc/>