



Scottish Information
Commissioner

Decision 053/2005 – Mr F and the Common Services Agency

Statistical information about Post Traumatic Stress Disorder among Falklands War veterans in Scotland.

Applicant: Mr F
Authority: The Common Services Agency
Case No: 200500881
Decision Date: 21 November 2005

Kevin Dunion
Scottish Information Commissioner

Kinburn Castle
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Statistical information about Post Traumatic Stress Disorder among Falklands War veterans in Scotland - information not held (section 17).

Facts

Mr F asked the Information Services Division (ISD) of the Common Services Agency what statistics exist regarding Post Traumatic Stress Disorder among Falklands War veterans in Scotland.

The ISD replied that this information was not held. After extensive correspondence the ISD provided Mr F with information which went some way towards answering his request, but were unable to provide the exact data he sought. This was partly because the way in which hospital discharge data is classified, making identification of PTSD difficult, and partly because software problems had caused some Health Boards to fall behind with their data returns.

While he acknowledged the efforts that staff at the ISD had made to answer his request, Mr F felt it was unacceptable that the problems with statistical recording meant that the data available was so incomplete. He decided to appeal to the Scottish Information Commissioner for a decision on the matter, hoping that this might highlight the need for better data collection within the Common Services Agency.

Outcome

The Commissioner found that there had been a breach of a technical aspect of the Freedom of Information (Scotland) Act 2002 (FOISA) in that Mr F had not been provided with a notice informing him that the information he had asked for was not held, in accordance with section 17 and 19 of FOISA.

The Commissioner found that in other respects the Common Services Agency had complied fully with FOISA.



Appeal

Should either Mr F or the Common Services Agency wish to appeal against the Commissioner's decision, there is an appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days of receipt of this notice.

Background

1. On 14 February 2005 Mr F sent an email to the Information Services Division of the Common Services Agency (the ISD) asking what statistics exist regarding Post Traumatic Stress Disorder (PTSD) among Falklands War veterans in Scotland.
2. After receiving an email acknowledging his request and asking for any further details he thought might be helpful, Mr F wrote again to the ISD on 17 February 2005. He explained that he was interested in gaining an overview of the situation regarding PTSD among the Falklands War veterans, and that he hoped to find out whether such incidences of PTSD had increased or declined in the years since 1982.
3. On 18 February 2005 the ISD advised Mr F that although it held information allowing the identification of in-patients diagnosed with post-traumatic stress disorder, there was no way of determining whether these patients were Falklands War veterans. He was also informed that due to problems with data submission in Lothian, the most up-to-date data for the Royal Edinburgh Hospital (where many PTSD sufferers are treated at the Rivers Centre) would be for calendar year 2000.
4. After some further email exchanges, Mr F clarified his request as "PTSD across the whole of Scotland among Falklands War veterans, 1982 to date, at the granularity of 1 year AND the numbers relating to The Rivers Centre,...a recognised centre of excellence in Scotland for the treatment of PTSD".
5. On 22 February 2005 the ISD sent an email confirming that it was impossible to identify Falklands War veterans from the data collected on PTSD. It also explained that many cases of PTSD are not admitted to hospital and are therefore not recorded on in-patient data systems, which created further difficulties in supplying the information requested. Mr F was advised that it was theoretically possible to link the data held by the ISD with data held by the Ministry of Defence about Falklands War veterans, but this would require



a research project.

6. Mr F queried this reply on several counts (email sent 22 February 2005). He was surprised that the type of statistics he sought were available for heart complaints but not for PTSD. He queried why out-patient data for PTSD was not held. He also complained that by offering him incomplete data the ISD was implicitly accepting the Health Boards' failure to submit data returns and that this had implications for the ISD's accountability, standards, performance and cost monitoring.
7. There was further email correspondence exploring and explaining these issues until, on 11 March 2005, the ISD provided Mr F with the information it had been able to collate in response to his request of 14 February 2005.
8. The ISD provided statistical data for inpatient and day case discharges with any mention of a diagnosis of PTSD, for the years 1996 to 2003 inclusive: there were some gaps in the data due to problems with data submission. Also provided were statistics from 2000 to 2004 showing Practice Team Information /GP annual prevalence rates for PTSD per 1,000 of population and estimated number of patients per financial year. The figures were accompanied by a detailed explanation from the ISD to give context to the data.
9. Mr F acknowledged the efforts made by the ISD but noted that the information supplied was not what he had asked for in his initial request. He asked for contact details in order to have the response to his request reviewed.
10. In an email of 21 March 2005, Mr F received further explanation of the information provided to him and the reasons for its limitations. He was advised to write to the Director of the ISD for a review of the response to his request.
11. Mr F first appealed to me for a decision on 23 August 2005. I was unable to accept this application as Mr F had not contacted the Director of the ISD for a review of the response to his request, believing that the response he had received from another member of staff was a review of his request. By then, he was out of time for making a request for review under FOISA and was advised that he could ask the ISD whether it would be prepared to exercise the discretion available to public authorities under section 20(6) of FOISA, to carry out a review after the period for making such a request had expired.
12. Mr F contacted the Interim Director of the ISD by phone, then sent an email (1 September 2005) in which he explained his previous misunderstanding over the requirement to have his request reviewed, and asked her to give him some idea how long she would need to complete "the review of its handling



and what it delivered". The email was headed "Request for a FOI review".

13. The Interim Director replied in an email of 15 September 2005 that she had spent two hours reviewing the copies of correspondence provided by Mr F. She stated "The answer you were given to your original FOI request was correct". She discussed his request further and advised him that that some of the problems in data submission had now been resolved.
14. In an email of 15 September Mr F appealed to me for a decision on the way his request had been handled. This request was accepted as valid and the case was allocated to an investigating officer.

Investigation

15. The investigating officer contacted the ISD to inform it that an application for a decision had been received from Mr F and that an investigation would be carried out.
16. The ISD was asked several questions about the information resources available when considering Mr F's request. It was also asked when the software problems preventing the submission of some of the relevant data returns had been resolved, and for comments on the way in which Mr F's request had been dealt with in terms of FOISA.
17. The Interim Director of the ISD replied in full to the questions submitted but informed the investigating officer that she had not reviewed the response to Mr F's request under the discretion allowed by section 20(6) of FOISA, but had instead reviewed it in terms of a possible customer complaint. She provided copies of relevant staff guidance and advised that internal processes had improved since Mr F's request had first been dealt with.
18. After consideration, I have taken the view that the email exchange between Mr F and the Interim Director of the ISD in September and October does constitute a request for review and a response to that request, and that Mr F's application for a decision is valid.



The Commissioner's Analysis and Findings

19. This is an unusual case: the extensive correspondence between the applicant and the public authority shows that considerable efforts were made to provide the information requested and to discuss the applicant's requirements. Mr F has expressed his appreciation of those efforts. Staff at the ISD entered fully into discussions with Mr F about the availability and interpretation of data, and have clearly provided help and assistance to a high standard. They have complied fully with section 15 of FOISA, which requires public authorities to advise and assist applicants.
20. However, Mr F remains concerned about the lack of available data regarding incidences of PTSD and has applied to me for a decision in the hope that this will help highlight deficiencies in the collection of such data. He believes that not all Falklands War veterans suffering from PTSD have been diagnosed as such, and that as a result many of these veterans do not receive the war pension which they would be entitled to claim if the diagnosis had been made.
21. Mr F is aware that it is outside my remit to consider whether a public authority should hold specific information or to intervene where data collection is inadequate; in this Decision Notice I can only consider whether Mr F was provided with all relevant information held by the ISD at the time of his request, and whether the ISD complied fully with FOISA in dealing with his request.

Was all available information provided?

22. The ISD has confirmed that information from before 1996 was not available as PTSD was not included in the data return codes at that time. The small number of paper-based data submissions did not include information on PTSD.
23. The ISD has also confirmed that it does not hold any paper files which might contain information relevant to Mr F's request.
24. The information supplied to Mr F was based on SMR04 returns submitted to the ISD. The ISD explained that these returns are extracted from confidential medical records held by NHS Scotland hospitals providing in-patient and day-case mental health services. The medical records themselves are held by the Health Boards and are registered as holdings under the Data Protection Act. In answering Mr F's request the ISD therefore had access only to the statistical data returns and not to the records from which the data originated.



25. The problems Health Boards had experienced in submitting data returns, which had led to the gaps in the data available to Mr F, had not been resolved until July 2005. The data requested by Mr F has still not been received in full by the ISD.
26. In dealing with Mr F's request, staff at the ISD considered the wider information resources available within the Common Services Agency and spent considerable time discussing with Mr F how his request could best be answered from the available resources.

Conclusion

27. I accept that the ISD has demonstrated that Mr F was provided with as much information relevant to his request as was held at the time he submitted it. The ISD has shown that the gaps in recent statistics were caused by software problems affecting the submission of data returns from Health Boards, and has explained that difficulties in finding data for earlier periods were caused by the way in which diagnoses of PTSD were classified and coded within the data returns. The ISD has also explained why it cannot isolate data relating to Falklands War veterans.

Did the ISD comply with FOISA in dealing with Mr F's request?

28. The ISD has acknowledged that although Mr F was advised that the specific information he asked for was not held, he was not sent a formal notice complying with sections 17 and 19 of FOISA. This led to the initial confusion over whether or not Mr F had made a request for a review. The ISD has told me that it has now improved its processes for dealing with information requests under FOISA and I am satisfied that this is the case.

Decision

I find that the Common Services Agency, of which the Information Services Division is a part, did not comply fully with Part 1 of the Freedom of Information (Scotland) Act 2002 (FOISA) in its handling of Mr F's information request by failing to issue a refusal notice to Mr F complying with sections 17 and 19.

I accept that steps have been taken to improve procedures and I require no further action in respect of this Decision Notice.



I find that the Common Services Agency complied fully with the requirement in section 15 of FOISA by providing Mr F with advice and assistance.

Kevin Dunion
Scottish Information Commissioner
21 November 2005