

State Records Authority of New South Wales

General Retention and Disposal Authority: GA42

This authority covers general practice medical records in the custody and control of public health services

This general retention and disposal authority is approved under section 21(2)c of the *State Records Act 1998* following prior approval by the Board of the State Records Authority of New South Wales in accordance with section 21(3) of the Act.

State Records Authority of New South Wales

General Retention and Disposal Authority

Authority no GA42

SR file no 12/0345

Scope

This general retention and disposal authority covers general practice medical records in the custody and control of public health services.

Public office

This authority applies to any organisation, facility or service which is part of the New South Wales public health system.

Approval date

Jenni Stapleton
A/Director
State Records Authority of New South Wales

01/11/2012
Date

About the General Retention and Disposal Authority

Purpose of the authority

The purpose of this general retention and disposal authority is to permit the transfer of certain medical records to the subject patient or their representative upon request or to provide approval for their destruction after minimum retention periods have been met.

The approval for disposal given by this authority is given under the provisions of the *State Records Act 1998* only and does not override any other obligations of an organisation to retain records.

The retention and disposal of State records

The records retention and disposal practices outlined in this authority are approved under section 21(2)(c) of the *State Records Act 1998* (NSW). Part 3 (Protection of State Records) of the Act provides that records are not to be disposed of without the consent of State Records with certain defined exceptions. These exceptions include an action of disposal which is positively required by law, or which takes place in accordance with a normal administrative practice (NAP) of which State Records does not disapprove. Advice on the State Records Act can be obtained from State Records.

The authority sets out how long the different classes of records generated by an organisation must be kept to meet its legal, operational and other requirements, and whether the records are to be kept as State archives. The State Records Authority ('State Records') reviews and approves organisations' retention and disposal authorities under the State Records Act.

This authority is the product of an appraisal process conducted in accordance with State Records' *Standard on the appraisal and disposal of State records*.

State Records' decisions take into account both the administrative requirements of public offices in discharging their functional responsibilities and the potential research use of the records by the NSW Government and the public. One of State Records' functions is to identify and preserve records as State archives. These are records which document the authority and functions of Government, its decision-making processes and the implementation and outcomes of those decisions, including the nature of their influence and effect on communities and individual lives. Criteria for the identification of State archives are listed in *Building the Archives: Policy on records appraisal and the identification of State archives*. The Policy also explains the roles and responsibilities of State Records and of public offices in undertaking appraisal processes and disposal activities.

Implementing the authority

This general retention and disposal authority covers records controlled by the public office and applies only to the records or classes of records described in the authority.

Disposal action

Records approved for destruction

Records that have been identified as being approved for destruction may only be destroyed once a public office has ensured that all other requirements for retaining the records are met. Retention periods set down in this authority are *minimum* periods only and a public office should keep records for a longer period if necessary. Reasons for longer retention can include legal requirements, administrative need, and government directives. A public office *must not* dispose of any records where the public office is aware of possible legal action (including legal discovery, court cases, formal applications for access) where the records may be required as evidence.

Once all requirements for retention have been met, destruction of records should be carried out in a secure and environmentally sound way. Relevant details of the destruction should be recorded. See *Destruction of records: a practical guide*.

Contact Information

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General Retention and Disposal Authority

General practice medical records in the custody and control of public health services

Authority number: GA42

Dates of coverage: Open

No	Function/Activity	Description	Disposal Action*
1.0	GENERAL PRACTICE MEDICAL RECORDS	Medical records created by general practitioners (GPs) and subsequently transferred to the custody and control of public health system organisations, facilities or services.	
1.1		Medical records that are requested by the subject patient or their representative.	Transfer to subject patient or their representative on request
1.2		Medical records that are not requested by the subject patient or their representative.	If patient was more than 18 years old at the date of last entry in the record: Retain minimum of 7 years after date patient was last provided with medical treatment or other medical services by the practitioner or corporation who provided that treatment or those services, then destroy If patient was less than 18 years old at the date of

*Retention periods and disposal actions are consistent with provisions of the *Health Practitioner Regulation (New South Wales) Regulation 2010*.

General practice medical records in the custody and control of public health services

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No	Function/Activity	Description	Disposal Action*
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GENERAL PRACTICE MEDICAL RECORDS

			last entry in the record: Retain until patient attains or would have attained the age of 25 years, then destroy
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*Retention periods and disposal actions are consistent with provisions of the *Health Practitioner Regulation (New South Wales) Regulation 2010*.