

# Retention and Destruction of Medical Records

## Ownership of medical records

The ownership of medical records varies depending on the structure of the practice where they were created.

According to the Royal Australian College of General Practitioners (RACGP) [Privacy and managing health information in general practice](#) resource, the ownership of medical records may vary as follows:

- Sole practitioners retain full ownership over their medical records.
- Contract and employee GPs are likely to be creating medical records for their principal or employer, and unlikely to own these themselves.
- GPs operating in a partnership may have a claim to a shared partnership interest over some or all of the totality of medical records.
- GPs who own an incorporated practice own its assets which usually include the medical records.

It is important to note that ownership and access rights are separate. Under [Australian Privacy Principle 12](#), patients can request access to their medical records.

In addition, general practitioners are required to promptly facilitate the transfer of health information when requested by a patient as stated in the Medical Board of Australia's [Good medical practice: a code of conduct for doctors in Australia](#).

## Retention and destruction of medical records

General practices must securely store medical records until they are no longer practically or legally needed and have been destroyed or permanently de-identified in a manner that maintains patient confidentiality.

There is currently no legislation in Western Australia mandating the retention or destruction of private medical practice health information.

However, the RACGP recommendations are in line with legislation in Victoria, New South Wales and the Australian Capital Territory, which requires medical records to be retained for:

- children until the child turns 25
- adults for seven years from the date of the provision of the last health service.

When destroying medical records, practices should keep a register of each patient's name, the time period of the record and the date of destruction.

## Western Australia Department of Health

Under the Western Australia Department of Health's [Patient Information Retention and Disposal Schedule](#), health records of discharged patients and outpatients from state-run hospitals can be disposed of 15 years after the date of last attendance or last access, provided the patient has reached the age of 25 years.

The medical records of any patient treated in a state health facility for a psychiatric illness must be retained for a minimum of seven years following death.

Records pertaining to Aboriginal people must be retained indefinitely for patients with a date of birth prior to and including 1970. Additionally, Aboriginal patient records created by remote clinics in the Kimberley and Pilbara health regions must be retained indefinitely.

## Closing a practice or transferring records

When a practice closes permanently, the ownership and storage of the medical records remain the responsibility of the practice. As a result, the medical records should be stored securely in a reputable archival facility.

Patients should be advised of the closure and given sufficient time to plan for the transfer of their medical records to another medical practitioner.

When transferring medical records, it is recommended that practices document the details of where and when the records were transferred.

## References and helpful links

- [Royal Australian College of General Practitioners Privacy and managing health information in general practice](#)
- [Office of the Australian Information Commissioner Australian Privacy Principle 12](#)
- [Western Australia Department of Health Patient Information Retention and Disposal Schedule](#)

*Whilst all care has been taken in preparing this document, this information is a guide only and subject to change without notice.*

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