



Data Protection Policy and Retention

As a GP Practice, we process personal data, which includes special categories of personal data. Our lawful basis for doing this supported under the following Article 6 and 9 conditions of the GDPR:

Article 6(1)(e) '...necessary for the performance of a task carried out in the public interest or in the exercise of official authority...'

Article 9(2)(h) 'necessary for the purposes of preventative or occupational medicine for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services...'

SUBJECT ACCESS REQUESTS (medical record requests from solicitors, insurers, etc.)

From 25th May 2018, no fee can be charged for the provision of medical records.

A patient may ask for a copy of their medical records. They must provide proof of identity. Because they are potentially asking for a large amount of data, the GP practice can ask them precisely what information they are looking for, so that only the relevant information is provided. When the patient responds to this question, the practice has 1 calendar month to provide the records. This can be extended on a monthly basis up to 3 months under certain circumstances but the applicant must be informed within the 1st month of the process that the period is to be extended, and again in the 2nd month if necessary.

Practices can say no to a repeat request but if we want to comply with it, we can charge for administration costs incurred. We can say no if the request is 'manifestly unfounded'

If a solicitor is acting on a patient's behalf, and on the provision of a signed mandate, the solicitor then becomes the patient for the above purposes.

Insurance companies cannot request patient records. If they do, they can be told that it's not a valid SAR because the data can be used for their own purposes, e.g. to check if a patient has always had a bad back as part of an investigation into an RTA claim. Insurance companies cannot insist that a patient produces their records as that is enforced access and is invalid/not an SAR under the same regulations.

The Information Commissioner Officer (ICO) has an agreement with Association of British investigators (ABI) that insurance providers can request medical reports only for which the practice can charge.

Health Records Retention Scheme

Type of Health Record	Minimum Retention Period	Notes
GP Records	Retain for the lifetime of the patient and for 3 years after their death.	
Medical records relating to HM armed Forces	Records relating to those served in HM Armed Forces – The Ministry of Defence (MOD) retains copy for the records relating to service medical history. The patient may request a copy of these under the Data protection Act (DPA) and may choose to give them to their GP. GPs should receive summary records when ex service personnel register with the practice. GP records of serving military personnel in existence prior to them enlisting must be destroyed. Following the death of the patient the records should be retained for 3 years.	
Electronic patient records	GP only – must not be destroyed or deleted for the foreseeable future.	

Administrative Records – Retention Schedule

This schedule sets out the minimum periods for which the various administrative records created within the NHS or predecessor bodies should be retained in line with the principle 5 of the Data Protection Act (1998). The retention schedule apply to all records concerned, irrespective of the format (e.g. paper, emails, photographs) in which they are created or held.

Financial Records

Type of Records	Minimum retention Period	Note
Accounts – minor records including paying-in slips,	3 years	

cheque counterfoils, petty cash expenditure, receipt books.		
Bank statements	3 years after completion of financial accounts	
Bills and receipts	6 years	From the last financial year they relate to
Cash Book	6 years	From the last financial year they relate to
Financial set of accounts	6 years	From the last financial year they relate to
Invoices payable (creditors)	6 years	From the last financial year they relate to
Invoices received (debtors)	6 years	From the last financial year they relate to
PAYE Records	6 years	From the last financial year they relate to
Receipts	6 years	From the last financial year they relate to
Superannuation forms	6 years	From the last financial year they relate to
HMRC	6 years	From the last financial year they relate to
Wages / salary records	6 years	From the last financial year they relate to

Administrative Records – General

Type of Record	Minimum Retention Period	Notes
Diaries	1 year after completion	
Enquiries (such as subject access request and Freedom of Information	Minimum of 40 working days following the response; requests for a review for a minimum of 6 months.	
Receipts and registered and recorded delivery mail	2 years	
Software licenses	Operational lifetime of product	

Administrative Records – Property, Environmental and Health and Safety

Health and safety Asbestos register	Permanent	
Accident and Incident forms	10 years	
RIDDOR – (reporting of injuries, diseases and dangerous occurrences regulations 1995) including accident register	10 years	
Inspection reports – e.g. boiler inspections, fire panel inspection, fire extinguisher maintenance	2 years	

Property maintenance	6 years	
Property leases	Permanent	
Property title Deeds	Permanent	
Waste Consignment Note	2 years	such as clinical waste , domestic waste

Administrative Records – Human Resource

Disciplinary		
First written warning	6 months	
Final written warning	12 months	
First and final written warning	12 months	
Disciplinary records – records of action taken, details of rules breached, details of appeal	6 years after leaving service	See above for retention of warnings
Established records – major Personnel files, letters of application, letter of appointment, references, joining forms	6 years after leaving service	
Established records – minor Holiday leave, duty roster, sick leave	2 years	

Recruitment – applications for employment – unsuccessful applicants	1 year after completion of recruitment procedure	
Staff email accounts	Deleted immediately staff member leaves	
Staff attached to practice emails	Removed immediately staff member leaves	
Recruitment –job advertisements	1 year	