BOARD PUBLIC

Health Records Management Policy

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DOCUMENT CONTROL		**POLICY NO.**	152
Policy Group:	Information Governance		
Lead Author:	Head of Information Governance		
Lead Executive:	Medical Director		
Scope: (Applicability)	Board wide	**Version no.**	1.0
Status:	FINAL	**Implementation date:**	July 2024
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Approved by:	Board Management Team	**Approval date:**	31/07/2024
Equality Impact Assessed:	Yes	**Equality Impact Assessment date:**	21/05/2024
Data Protection Impact Assessed:	No – Not required	**Data Protection Impact Assessment Date:**	30/04/2024

Policy on a page

Summary & Aim	Key Requirements
To promote the safekeeping of personal health records and establish a framework which will ensure NHS Dumfries & Galloway meets its statutory obligations. This framework will apply to all stages of the lifecycle of personal health records, including disposal.	• Recognition of appropriately managed personal health records as a valuable resource in supporting the delivery of excellent patient care. • NHSDG must be compliant with Data Protection Act 2018, UKGDPR, Freedom of Information (Scotland) Act 2002 and Public Records (Scotland) Act 2011. • All services are supported in adopting best practice recommendations and guidance in respect of managing clinical records.
Target Audience	**Previous Names**
• All employees, bank workers, agency staff, contractors, students, volunteers etc – hereafter referred to as staff.	• Health and Administration Records Management Policy

Equality and Diversity Statement
NHS Dumfries and Galloway recognise that some communities within society are more likely than others to experience discrimination, prejudice and inequalities. The Equality Act 2010 specifically recognises the protected characteristics of **age, disability, sex, race, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity, and marriage and civil partnership**. The Fairer Scotland Duty, also requires NHS Dumfries and Galloway to actively consider how socio-economic disadvantage can be reduced when making strategic decisions. The New Armed Forces Covenant Statutory Duty places an expectation on NHS Dumfries and Galloway to consciously consider the Armed forces Covenant when developing, delivering and reviewing policies and decisions which may impact the Armed Forces community and help improve their access to public services. Consideration on all of the protected characteristics, the Fairer Scotland Duty and the Armed Forces Covenant are included within the Equality Impact Assessment process and documentation, which must be completed as part of the Policy Development Process. NHS Dumfries and Galloway is committed to promoting and advancing equality, removing and reducing discrimination and harassment and fostering good relations between people that hold a protected characteristic and those who do not. This applies both in the provision of services and as our role as a major employer. NHS Dumfries and Galloway believe that all people have the right to be treated with dignity and respect and is committed to the elimination of unfair and unlawful discrimination practice.

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1. PURPOSE AND RATIONALE

1.1 NHS Dumfries & Galloway has a statutory obligation to implement robust arrangements to ensure the safe management of all types of records created by the organisation. The legislative requirements are described in the Data Protection Act 2018, UK General Data Protection Regulation, Freedom of Information (Scotland) Act 2002 and Public Records (Scotland) Act 2011.

1.2 NHS Dumfries & Galloway has a duty to its patients to ensure that their personal health records are of the highest standard, readily available and managed lawfully to support continuity of care, including patient choice and control over their treatment and pathways to care.

2. POLICY AIMS

2.1 Patient personal health record is available as and when required.

2.2 Establish best practice in the creation, use, storage, management, disposal and, where appropriate, archival preservation of personal health records and provide recommendations for best practice to enable NHS Dumfries & Galloway to meet its legal obligations.

2.3 Ensure NHS Dumfries & Galloway manages personal health records in compliance with relevant legislation, as listed at section 1.1, national and local information governance/security standards and provide information on the legal obligations applied to NHS records.

2.4 Detail the recommended periods for which NHS personal health records should be retained.

2.5 Signpost staff to further information on Records Management.

3. POLICY SCOPE

3.1 This policy refers to ALL health records created and maintained by NHS Dumfries & Galloway, irrespective of the format in which they are held e.g. electronic, paper, removable media, images, audio etc. This includes:

- 3.1.1 Personal health and social care records (excluding GP records)
- 3.1.2 Records of private patients seen on NHS premises
- 3.1.3 Records of blood and tissue donors
- 3.1.4 Accident & Emergency, birth and all other registers
- 3.1.5 X-ray and imaging reports, output and images
- 3.1.6 Records of clinical trials

3.2 This policy applies to the management of health records for all patients seen or treated on NHS Dumfries and Galloway premises.

3.3 This policy is not applicable for the management of non-clinical records. For information on the management of this type of record please refer to NHS Dumfries & Galloway Corporate and Administration Records Management Policy.

4. DUTIES/RESPONSIBILITIES

4.1 NHS Dumfries & Galloway is a health board as constituted under Section 2 of the National Health Service (Scotland) Act 1978 and therefore a public authority as defined under Schedule 1 of the Freedom of Information (Scotland) Act 2002. The records created by the organsiation are subject to the Public Records (Scotland) Act 2011 and, as such, NHS Dumfries & Galloway is required to make arrangements for the safekeeping of all records.

4.2 Records management should be recognised as a vital function within the organisation and receive the necessary levels of organisational support to ensure effectiveness. All NHS Dumfries & Galloway services are responsible for their records throughout their lifecycle, from planning and creation, storage, retrieval and disposal. There should be clearly defined responsbilities and objectives, and resources assigned to achieve them. It is desirable that the person(s), responsible for the records management function also has either direct responsbility for, or a formal working relationship with, the person(s) responsible for freedom of information, data protection and all associated information management concerns.

4.3 Advice on the archival of records may be sought from NHS Scotland archivists or the National Records of Scotland.

The management of health and social care records, and maintaing the confidentiality of the information contained therein, is the responsbility of ALL staff. Key roles and responsbilities within NHS Dumfries & Galloway for the implementation, compliance and monitoring of the Health Records Management Policy are:

4.4 Chief Executive – The Chief Executive has overall accountability for ensuring that Records Management operates legally within NHS Dumfries & Galloway, that adequate provision has been made to support service delivery.

4.5 Senior Information Risk Owner (SIRO) – The SIRO has overall accountability for the safe and lawful processing of personal health records.

4.6 Caldicott Guardian - The Caldicott Guardian ensures that patient information is used appropriately and in adherence to the Caldicott Principles.

4.7 Information Governance Team – will provide guidance and advice to all services and staff in developing and implementing records management best practice procedures to meet the requirements of their service.

4.8 General Managers/Clinical Leads/Service Managers – responsible for implementation throughout their area of responsbility and to raise staff awareness, understanding and adherence to this policy. Instances of non-compliance should be fully investigated to identify areas of weakness in records management, aid learning and ensure future compliance.

4.9 All staff (as defined on Page 2) – anyone creating, receiving or using personal health and social care records has a responsibility to manage that record in compliance with this policy, national legislation, associated policies and procedures and current guidance. All staff have a contractual duty of confidentiality to patients of NHS Dumfries & Galloway. Unauthorised access to, or inappropriate disclosure of, a patient's health information is unlawful and will be progressed in accordance with NHS Scotland Workforce Conduct Policy. https://workforce.nhs.scot/policies/conduct-policy-overview/

5. DEFINITION OF A HEALTH RECORD

5.1 A health record can be defined as information which is created, received and maintained as evidence, following delivery of an episode of care or treatment. It is made by, or on behalf of, a health professional in connection with the physical or mental health care of the patient. It can include, but is not limited to:

- 5.1.1 Personal health and social care records
- 5.1.2 Radiology and imaging reports
- 5.1.3 All images - photographs, slides, screenshots, ECG, sonographs etc
- 5.1.4 Recordings – DVDs, compact discs, Teams recordings, voicemail etc
- 5.1.5 Emails, social media

6. PROCESS / PROCEDURES

6.1 Creation - Minimum requirements when creating a health record are:

- 6.1.1 Use of patient's Community Health Index (CHI) as unique identifier;
- 6.1.2 Patient demographic information recorded should include:
  1. CHI
  2. Surname
  3. Forename
  4. Sex
  5. Date of Birth
  6. Home Address
  7. Postcode
- 6.1.3 Record date to enable the creation/maintenance of a chronological record of patient's care and treatment

There will be occasions where NHS Dumfries & Galloway staff are required to create, update or access patient records held in nationally hosted records systems. Staff must make themselves aware of policies and procedures in respect of these systems to ensure compliance.

6.2 Storage/Retention - A health record can be held in any format eg. Electronic, paper-based, audio recording, images, removable media.

6.3 It is recommended that all personal health information is uploaded, copied, scanned or added to an NHS Dumfries & Galloway approved clinical system, at the earliest opportunity following creation, and all other copies securely disposed of to ensure compliance with data protection principles. Storage within an approved clinical repository is the most secure method of retention.

6.4 Every effort should be made to ensure that all medical records for all specialities relating to an individual patient are in one place or clinical system, thus promoting availability of that information.

6.5 Processes and procedures should be implemented by all services/departments creating, maintaining and storing health records. These processes and procedures must be compliant with the Public Records (Scotland) Act 2011, as the principal legislation which governs the management of records by a public authority, and associated legislation

(please refer to Appendix 1) . It is the responsibility of each service to ensure that the storage of all health records they create, regardless of format, protects the confidentiality of the information; ensures ready availability when necessary and can be identified for retention and disposal purposes.

6.6 Each service is responsible for implementing processes and procedures to accurately track the location of health records, including the physical location of records still retained in hard copy. A register should be maintained by the appropriate manager.

6.7 Destruction/Disposal/Archiving - All health records processed by NHS Dumfries & Galloway are subject to Data Protection Act 2018 and UKGDPR. On reaching the minimum recommended retention period all personal health records must be reviewed to determine whether they should be retained for a longer period, destroyed or are suitable for archival preservation. This is process is known as **"appraisal"**. Support on the appraisal of records can be obtained from the Information Governance Team or National Records of Scotland.

6.8 Destruction/Disposal: A destruction log should be maintained by the relevant service detailing the type of record, appropriate retention periods, retention expiry date and date record is destroyed. This applies to all health records irrespective of the format in which they are retained.

6.9 All health records held in hard copy which have been identified as suitable for destruction must be destroyed in accordance with NHS Dumfries & Galloway Disposal of Confidential Waste Procedure.

6.10 All health records should be retained in compliance with the recommended minimum retention periods contained within the Scottish Government Records Management Health and Social Care Code of Practice (Scotland) 2020.

6.11 The national retention schedule applies to all health records, irrespective of the format in which they have been retained.

6.12 Destruction/Disposal of Electronic records - SCI Store is the primary repository for the majority of e-records and there is the potential for an unknown level of associated clinical risk if health records were deleted during a patient's lifetime. NHS Dumfries & Galloway currently has no viable operational mechanism for the identification and disposal of records stored electronically on our clinical systems which would not potentially compromise the integrity of the health record. For this reason NHS Dumfries & Galloway will retain health records for the patient's lifetime and for 3 years after the date of death, as per the retention of a patient's GP record. Should the record include a speciality where there is a legal requirement for an extended retention period (i.e Mental Health/Psychology/Fertility etc) the longest retention period will be applicable.

6.13 Archiving/ permanent preservation – all surviving personal health records dated1948 or earlier should be retained for archival preservation including samples of health records, registers and ward journals which are regarded as valuable resources for historical medical and social research.

6.14 Any personal health records relating to an inquiry conducted under the Inquiries Act must also be considered for permanent preservation.

6.15 NHS Dumfries and Galloway archives appropriate records with the Heritage Service, Dumfries & Galloway Council.

7 CONSULTATION

- Health Records Department
- NHS Scotland Health Records Forum
- NHSDG Medical Director
- NHSDG Data Protection Officer

- NHSDG IT Delivery Manager
- NHSDG Information Support Manager
- NHSDG Head of Information Governance
- NHSDG Information Assurance Committee
- NHSDG Staff side
- Health & Social Care Partnership Management Team

8 TRAINING AND SUPPORT

8.1 General Managers/Clinical Leads/Service managers should ensure that adequate training provision is available to support staff with the lawful and efficient management of health records within their area of responsibility.

8.2 Processes and procedures should be developed and implemented within each service/department

8.3 All staff are required to complete mandatory training module NHS Dumfries & Galloway: Information Governance and Cyber Security, available on LearnPro, on induction to NHS Dumfries & Galloway and every two years thereafter for the duration of their employment. This training includes elements of health records management.

8.4 Further information, including minimum recommended retention periods for health records can be found in the Records Management Code of Practice for Health & Social Care 2024

8.5 Further support and guidance on health records management can be obtained by contacting NHS Dumfries &Galloway Health Records at dg.healthrecords@nhs.scot or Information Governance Team at dg.dataprotection@nhs.scot

9 MONITORING

9.1 The monitoring arrangements for this Policy are set out in the table below.

Element to be monitored	Monitoring Methodology	Reporting		
		Presented by	Committee	Frequency
Compliance with records management legislation	Review of any Datix incidents re. data availability, loss of records etc	Head of Information Governance	Information Assurance Committee	Quarterly
Compliance with PRSA 2011	Records Management Plan submissions to the Keeper	Head of Information Governance	Information Assurance Committee	Quarterly
			RMP	Annual PUR 5 yrly RMP submission
Appropriate	Review of	Head of	Information	Quarterly

access to health records	Fairwarning reports (monthly)	Information Governance	Assurance Committee	

10 EQUALITY IMPACT ASSESSMENT

10.1 An Equality Impact Assessment was completed on 21/05/2024. The completion of an EIA will be considered during each subsequent review of this policy.

11 DATA PROTECTION AND CONFIDENTIALITY IMPACT ASSESSMENT

11.1 A Data Protection Impact Assessment screening questionnaire was completed on 30/04/2024. It is not a legal requirement for a full DPIA to be completed for the development of this policy. The completion of a DPIA will be considered during each subsequent review of this policy.

12. DOCUMENT CONTROL SHEET

12.1 Document Amendment History

Version	Section(s)	Reason for update
1.0	ALL	New policy to replace Health & Administration Records Management Policy
1.1	Section 8.4	Updated link to newly published Records Management Code of Practice for Health & Social Care 2024
	Appendix 3	Inclusion of Disposal of Confidential Waste Procedure

12.2 Distribution

Name	Responsibility	Version number
Information Assurance Committee	For consultation and comment	0.1
Staff side representative	For consultation and comment	0.1
Health & Social care leadership team	For consultation and comment	0.1
BMT	For approval	0.1
Corporate Business Manager	Update policy register	1.0

12.3 Associated documents

NHS Dumfries & Galloway Confidentiality and Data Protection Policy
NHS Dumfries & Galloway Safe Information Handling Policy
Scottish Government Records Management Health & Social Care Code of Practice (Scotland) 2024
NHS Dumfries & Galloway Personal Data Breach Recording Procedure
NHS Dumfries & Galloway Information Security Policy
NHS Dumfries & Galloway Disposal of Confidential Waste Procedure
NHS Dumfries & Galloway Records Management Plan
NHS Dumfries & Galloway Corporate Records Management Plan
NHS Dumfries & Galloway Subject Access Request Procedure
NHS Dumfries & Galloway Access to Health Records Procedure
NHS Dumfries & Galloway Confidential Waste Procedure – Appendix 3
NHS Dumfries & Galloway Preparing Documents for Scanning Procedure - Appendix 4
NHS Dumfries & Galloway Uploading Records to Clinical Portal Procedure – Appendix 5

12.4 Action Plan for Implementation

Action	Lead Officer	Timeframe
Update policy register	Corporate Business Manager	Immediate
Place in 'latest' news	Communications	Immediate
Place on intranet	Head of Information Governance	Immediate

Appendix 1 – associated legislation/regulations and policies/procedures

Legislation/Regulations etc

Access to Medical Reports Act 1988
Access to Health Records Act 1990
Common Law Duty of Confidentiality
Computer Misuse Act 1990
Data Protection Act 2018
Equality Act 2010
Freedom of Information (Scotland) Act 2002
Human Rights Act 1998
Public Bodies (Joint Working)(Scotland) Act 2014
Public Records (Scotland) Act 2011
Scottish Council on Archives Records Retention Schedules (SCARRS)
Scottish Government Records Management Health & Social Care Code of Practice (Scotland) 2024
UK General Data Protection Regulation (UKGDPR) 2020

Policies

NHSDG Confidentiality and Data Protection Policy
NHSDG Safe Information Handling Policy
NHSDG Administration Records Management Policy
NHSDG Information Security Policy

Procedures

Confidential Waste Procedure
Preparing a health record for scanning
Uploading to Clinical Portal/SCI Store

Appendix 2 – Retention Schedule the following document contains recommended minimum retention periods are taken from the Scottish Government Records Management Health & Social Care Code of Practice (Scotland) 2024. It is up to individual services to determine if they require a longer retention period and document the rationale for this).

Retention Schedule - Health Records.pdf

Appendix 3 - NHS Dumfries & Galloway Confidential Waste Procedure

NHSDG Disposal of Confidential Waste Pr

Appendix 4 - NHS Dumfries & Galloway Preparing Documents for Scanning Procedure

Preparing Documents for Scanning.pdf

Appendix 5 - NHS Dumfries & Galloway Uploading Records Procedure

Uploading Records Procedure.pdf