State Records Authority of New South Wales

Functional Retention and Disposal Authority: FA360
This authority covers patient/client records of defunct private hospitals that have come under the custody and control of the Ministry of Health
Issued to Ministry of Health

This functional 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  
Functional Retention and Disposal Authority

<table>
<thead>
<tr>
<th>Authority no</th>
<th>FA360</th>
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<tbody>
<tr>
<td>SR file no</td>
<td>12/0345</td>
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</tbody>
</table>

**Scope**
This functional retention and disposal authority covers patient/client records of the defunct Canada Bay Private Hospital and Lismore Private Hospital that have come under the custody and control of the Ministry of Health.

**Public office**
Ministry of Health

**Approval date**
16/02/2015  
Geoff Hinchcliffe  
Director  
State Records Authority of New South Wales
About the Functional Retention and Disposal Authority

Purpose of the authority
The purpose of this functional retention and disposal authority is to provide approval for the destruction of certain records maintained by the Ministry of Health 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.

Implementing the authority
This functional 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. The authority should be implemented as part of the records management program of the organisation. Two primary objectives of this program are to ensure that records are kept for as long as they are of value to the organisation and its stakeholders and to enable the destruction or other disposal of records once they are no longer required for business or operational purposes.

The implementation process entails use of the authority to sentence records. Sentencing is the examination of records in order to identify the disposal class in the authority to which they belong. This process enables the organisation to determine the appropriate retention period and disposal action for the records. Advice on sentencing can be obtained from State Records. See Implementing a retention and disposal authority.

Where the format of records has changed (for example, from paper-based to electronic) this does not prevent the disposal decisions in the authority from being applied to records which perform the same function. The information contained in non-paper-based or technology dependent records must be accessible for the periods prescribed in the classes. Where a record is copied, either onto microform or digitally imaged, the original should not be disposed of without authorisation (see also the General retention and disposal authority: original or source records that have been copied). Public offices will need to ensure that any software, hardware or documentation required to gain continuing access to technology dependent records is available for the periods prescribed.
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*.

Organisations should review functional retention and disposal authorities regularly to ensure that they remain relevant as the organisation’s functions and activities, operating environment and requirements for records change. Retention requirements may change over time. This can occur when:

- business needs or practices change
- new laws, regulations or standards are introduced
- new technology is implemented
- government administration is restructured and functions are moved between entities, or
- unforeseen or new community expectations become apparent.

State Records recommends that organisations check any functional retention and disposal authorities more than 5 years old to ensure that the retention periods and disposal actions remain relevant.

Regardless of whether a record has been approved for destruction or is required as a State archive, a public office or an officer of a public office must not permanently transfer possession or ownership of a State record to any person or organisation without the explicit approval of State Records.

Administrative change

This functional retention and disposal authority has been designed to link records to the functions they document rather than to organisational structure. This provides for a stable retention and disposal authority that is less affected by administrative change. The movement of specified functions between branches or units within the public office does not require the authority to be resubmitted to State Records for approval. However, when functions move from one public office to another the public office that inherits the new function should contact State Records to discuss use of any existing retention and disposal authority approved for use by a predecessor organisation.
Amendment and review of this authority

State Records must approve any amendment to this authority. Public offices that use the authority should advise State Records of any proposed changes or amendments to the authority.

State Records recommends a review of this authority after five years to establish whether its provisions are still appropriate. Either the public office or State Records may propose a review of the authority at any other time, particularly in the case of change of administrative arrangements or procedures which are likely to affect the value of the records covered by this authority.

In all cases the process of review will involve consultation between State Records and the public office. If the process of review reveals that this authority requires amendment, the necessary amendments should be made and approved.

Contact Information
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E-mail: govrec@records.nsw.gov.au
### Functional Retention and Disposal Authority

**Patient/client records of defunct private hospitals that have come under the custody and control of the Ministry of Health**

<table>
<thead>
<tr>
<th>No</th>
<th>Description</th>
<th>Disposal Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0</td>
<td>Patient/client medical records of the defunct Canada Bay Private Hospital and Lismore Private Hospital that have come under the custody and control of the Ministry of Health.</td>
<td></td>
</tr>
<tr>
<td>1.1</td>
<td>Patient/client medical records that are requested by the subject patient or their representative.</td>
<td>Transfer to subject patient or their representative on request</td>
</tr>
</tbody>
</table>
| 1.2  | Patient/client 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 last entry in the record:** Retain until patient attains or would have attained the age of 25 years, then destroy |