

RACGP STANDARDS FOR GENERAL PRACTICES (4TH EDITION) FACT SHEET**PATIENT MEDICAL RECORDS**

How long is a general practice required to retain a patient's medical record?

Answer

It is recommended that inactive patient health records are retained by the practice indefinitely or as stipulated by the relevant national, state and /or territory legislation.

Details of each State and Territory Government legislation regarding the retention of medical records. is available at <http://www.yourhealth.gov.au/internet/yourhealth/publishing.nsf/Content/pcehrlegals-document-toc~pcehrlegals-document-app04>.

Reference

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Is it possible to transfer an individual's medical record from one general practitioner to another, even if they are not in the same clinic?

Answer

Yes. An individual is able to request their medical record be transferred from one general practitioner to another.

Some doctors may charge a fee for handling and copying their records, but this should reflect only the administrative costs involved. Where an individual requests their health record themselves, a former doctor may charge a fee to that individual for providing a summary, especially if their history is long and/or complex, as this requires more time and resources than merely providing the record as a whole.

Rationale

Generally, the health service provider who creates a medical record owns that record. This, however, doesn't interfere with an individual's right to access their record, because ownership and access rights are separate.

Under the National Privacy Principles (NPPs) in the Privacy Act, an individual has a right to access health information about them that is held by a private sector health service provider. Even though a provider may own the record, they can only refuse access to it if an exception under NPP 6 allows this.

As such, where a patient transfers from one GP to another, they are able to request their health record to be transferred to the GP of their choice.

Indeed, under the RACGP Standards for General Practices (4th edition), the explanatory notes to Criterion 2.1.1: Respectful and culturally appropriate care state that:

"When a patient requests to be transferred to the care of another GP in another practice, a copy of the patient health information needs to be



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transferred to the other practice in a timely manner to help facilitate care of the patient. Practice staff need to comply with the requirements of the state and or territory legislation governing the transfer of patient health information.”

The accepted practice is for the doctor who takes over management to seek relevant information from the former practice that will enable him or her to continue management. The usual practice is for the patient to ask their new doctor to arrange for the transfer of the records and to sign a consent form authorising this request.

Individuals may be charged for the administrative costs involved when access is provided. For example, it may be considered reasonable to recover costs relating to photocopying, copies of x-ray films and for staff time involved in processing a request.

If health service providers do charge for providing access, charges must not be excessive and should not discourage an individual from accessing their records.

References

<http://www.privacy.gov.au/faq/health/q34>

<http://www.privacy.gov.au/materials/types/guidelines/view/6517#b66>