

Nova Scotia PHR: Record Retention Schedule

In Nova Scotia, personal health information (PHI) is governed by a mix of federal and provincial legislation, health profession codes, and organizational policies and procedures. Requirements around retention and destruction of PHI are outlined in the Personal Health Information Act (PHIA).

The Personal Health Record (PHR) is an electronic platform through which the patient and medical practitioner can store and access the patient's PHI, with the physician being the custodian of the record. As such, the physician is obligated to retain the original medical record in compliance with medico-legal requirements.

Security of Records

Physicians generally understand their responsibility to maintain the security and confidentiality of their patients' health information (PHI). However, electronic health records are, by their nature, accessible to a greater number of people than a traditional paper record, and the protection of the information is therefore even more complex.

Where a physician has engaged a service provider to manage his/her electronic medical records, the physician will continue to be responsible for maintaining the security of the records in accordance with applicable privacy legislation and professional requirements. If the records are retained by a commercial storage provider, Doctors Nova Scotia recommends that physicians enter into a written agreement with the commercial storage provider to ensure such provider understands and is prepared to abide by the statutory requirements to protect the PHI.

Storage of Records

In accordance with the direction provided by the College of Physicians and Surgeons of Nova Scotia and the Canadian Medical Protective Association, records should be maintained for *at least* 10 years from the date of last entry or, in the case of minors, 10 years from the time the patient would have reached the age of majority in Nova Scotia (19 years).

Physicians may also be required to retain records longer than the above time periods if a request is made under PHIA for access to PHI before the retention period ends. Where such a request has been made, physicians must retain the PHI for as long as necessary to allow for an individual to take any recourse that is available to them under PHIA.

Destruction of Records

Physicians must not dispose of a record of PHI unless their obligation to retain the record has come to an end. As noted above, obligations to retain records may arise under PHIA (because a patient has requested access, for example) and disposal of the record under such circumstances may be an offence under PHIA.

When the obligation to retain medical records comes to an end the records may be destroyed, provided that this occurs in a manner that is in keeping with the obligation of maintaining confidentiality and requirements of PHIA. Records must be disposed of in a secure manner such that the ability to reconstruct the record is hindered to all extent possible. Electronic records must be permanently deleted from all hard drives, as well as other storage mechanisms. Hard drives must either be crushed or wiped clean with a

commercial disk-wiping utility. Similarly, any back-up copies of records must be destroyed when the original records are destroyed.

Alternative Sources for Guidelines on Record Retention

The College of Physicians and Surgeons of Nova Scotia has guidelines for physicians in Nova Scotia at <http://www.cpsns.ns.ca/Policies-Guidelines?cat=4>

The Canadian Medical Protective Association (CMPA) outlines the duties and responsibilities of physicians at https://www.cmpa-acpm.ca/en/duties-and-responsibilities/-/asset_publisher/bFaUiyQG069N/content/a-matter-of-records-retention-and-transfer-of-clinical-records

More information as to custodian responsibilities under PHIA is available at <http://novascotia.ca/dhw/phia/custodians.asp>