

Territory Records (Records Disposal Schedule – Health Treatment and Care Records) Approval 2017 (No 1)

Notifiable instrument NI2017—629

made under the

Territory Records Act 2002, s 19 (Approval of schedules for the disposal of records)

1 Name of instrument

This instrument is the Territory Records (Records Disposal Schedule – Health Treatment and Care Records) Approval 2017 (No 1).

2 Commencement

This instrument commences on the day after notification.

3 Approval

I approve the Records Disposal Schedule – Health Treatment and Care Records.

4 Revocation

This instrument revokes:

Territory Records (Records Disposal Schedule - Health Treatment and Care Records) Approval 2013 (No 1) NI2013-589

Danielle Wickman
Director of Territory Records
4 December 2017



Records Disposal Schedule

Health Treatment and Care Records

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INTRODUCTION

The *Records Disposal Schedule – Health Treatment and Care Records* is the official authority for the disposal of these ACT Government Records.

It is one of a series of Records Disposal Schedules authorised by the Director of Territory Records in accordance with the provisions of the *Territory Records Act 2002*. It is used in conjunction with other Territory Records Disposal Schedules.

PURPOSE

The purpose of this Records Disposal Schedule is to provide for the authorised disposal of records created or maintained by ACT Government Agencies.

SCOPE

This Records Disposal Schedule applies to records created or maintained by ACT Government Agencies. It applies to records in any format, including electronic records.

AUTHORITY

The Director of Territory Records, in consultation with stakeholders and the Territory Records Advisory Council, has approved this Records Disposal Schedule for use. The schedule does not take effect until it has been incorporated into an agency's Records Management Program that has been signed off by the Principal Officer of the agency.

Even so, officers using this Records Disposal Schedule should apply it with caution. They should be aware that the authorisations for disposal are given in terms of the *Territory Records Act 2002* only. Officers must not dispose of records in contravention of this Records Disposal Schedule or other requirements such as a records disposal freeze. Current records disposal freezes can be found at the Territory Records Office Internet site <http://www.territoryrecords.act.gov.au/recordsadvice>.

This Records Disposal Schedule will remain in force until a new schedule supersedes it or the Director of Territory Records withdraws it from use.

STRUCTURE AND RELATIONSHIP TO THE TERRITORY WHOLE OF GOVERNMENT THESAURUS

A Records Disposal Schedule generally specifies retention periods. That is, how long records are to be retained by the agency before being destroyed or retained as Territory Archives.

Retention periods set down in this schedule are minimum periods only and an agency may keep records for a longer period if considered necessary for business requirements. Reasons for longer retention could include legal requirements, administrative need or agency directives. **An agency must not dispose of any records where it is aware of possible legal action for which the records may be required as evidence or if there is a current records disposal freeze in effect.**

The *Records Disposal Schedule – Health Treatment and Care Records* has a hierarchical structure that reflects its arrangements according to functions and activities, rather than by subject, and this also reflects a close relationship to the Territory Whole of Government Thesaurus originally based on the Territory Version of Keyword AAA. The Records Disposal Schedule is designed to be applicable to all ACT Government records regardless of titling conventions used, so that records, which have not been titled using the terminology represented by this Records Disposal Schedule, may still be sentenced with relative ease.

Whole of Government Thesaurus

The Whole of Government Thesaurus is a controlled vocabulary of terms designed for use in the classifying, titling and indexing of records on creation.

The Whole of Government Thesaurus has been developed on the basis of the Territory Version of Keyword AAA (TVKAAA 2010), a thesaurus which incorporated 16 common functions. All other functions within the Whole of Government Thesaurus are considered functions performed by the ACT Government and have been included following consultation with agencies and after consideration by the Territory Records Office (TRO) via a formal approval process.

The Whole of Government Thesaurus is mandated by the TRO for use by all ACT Government agencies as part of their classifying and titling of paper and electronic records. See also *Records Advice No.28 Functional directories on shared drives*.

The disposal actions listed in this Records Disposal Schedule were determined through the process of appraisal in accordance with *Territory Records Office Standard for Records Management No.2 - Appraisal*. Appraisal is based upon the same type of analysis of business activity employed in the classification scheme used in the original Territory Version of Keyword AAA. Essentially, appraisal involves attaching record retention periods and disposal decisions (and even records creation requirements and rules) to the same classification scheme.

GUIDELINES FOR USE

Coverage of authority

The *Records Disposal Schedule - Health Treatment and Care Records*:

- covers all ACT Government records;
- is intended to be used in conjunction with other Territory Records Disposal Schedules;
- specifies the minimum period records should be kept (retention periods)
- specifies whether, upon the expiry of the retention periods, the records may be destroyed or are required as Territory Archives; and
- is applicable to records created and maintained in any format, including electronic or formats such as microfiche.

Layout of the schedule

This Records Disposal Schedule begins with an introduction incorporating definitions and the business classification scheme. Then each of the functions and activity disposal sets or 'disposal classes' relating to the functions are described. These are followed by a composite list of classes designated 'Retain as Territory Archives'. The functions and activity disposal sets show the following details:

Function

This is the broad level business function and is displayed in bold capital letters at the top of each page. It is the highest level in the business classification scheme. It is followed by the scope note, which provides definitions of the function and a collective view of the business activities that make that function unique.

Activity

Activities are the processes or operations that make up the business function. They are set in bold and italics below the function statement. This is the second level of the business classification scheme. The scope of the activity encompasses all of the transactions that take place in relation to the activity. Activities can relate to many functions with the scope notes covering all of these relationships (e.g., the activity 'Policy' is linked to all of the functions). However, each function and activity set represents a unique unit.

Entry No.

This is the disposal class number allocated based on the function and activity set and the class number of the record. The barcode is the same as the Entry No. and may be used in an automated recordkeeping system.

Description of Records

This is the description of the records documenting the business function, activity and transactions. The descriptions can relate to one record such as a register or a group of records documenting a particular set of transactions.

Disposal Action

This is the minimum period a record must be kept for and is the trigger event from which the disposal date can be calculated.

FORMAT OF RECORD

This Records Disposal Schedule is applicable to any record that performs the function prescribed, irrespective of format. Records may include:

- cards;
- registers;
- files;
- microfilm;
- COM (computer output microfiche);
- electronic records, including various electronic media, and
- any other formats.

Electronic records

Refers to records created, communicated and maintained by means of electronic equipment. Information could be maintained/stored in a number of ways - on the database (the main database, or a special archives database); on magnetic media; on optical disks; or on separate hardcopy (paper, COM).

Electronic records must be readily accessible for the length of the specified retention period. Routine treatment (such as wiping, updating, alterations or re-recording) does not constitute disposal.

DESTRUCTION OF RECORDS

When the approved disposal date for the destruction of records has been reached, appropriate arrangements for their destruction should be made. It is the responsibility of each agency to ensure that its records are destroyed in a secure and appropriate manner as indicated in the agency Records Management Program.

UPDATING THE RECORDS DISPOSAL SCHEDULE

Records Disposal Schedules are reviewed and updated from time to time. For suggested amendments or alterations to this schedule please contact the Director of Territory Records.

ASSISTANCE IN USING THE RECORDS DISPOSAL SCHEDULE

Agencies requiring any assistance in the interpretation or implementation of any Records Disposal Schedule are encouraged to contact the Director of Territory Records.

RELATED LEGISLATION

The following legislation is related to the record classes covered by this Records Disposal Schedule:

Copyright Act 1969(Cwlth)
Crimes Act 1900
Electronic Transactions Act 2001
Epidemiological Studies (Confidentiality) Act 1992
Evidence Act 2011
Financial Management Act 1996
Freedom of Information (FOI) Act 1989
Health Act 1993
Health Records (Privacy Access) Act 1997
Human Rights Commission Act 2005
Intoxicated People (Care and Protection) Act 1994
Medicines, Poisons and Therapeutic Goods Act 2008
Privacy Act 1988 (Cwlth)
Public Sector Management Act 1994
Supervised Injecting Place Trial Act 1999
Territory Records Act 2002

DEFINITIONS

Agency

The Executive, an ACT Court, the Legislative Assembly Secretariat, an administrative unit, a Board of Inquiry, a Judicial or Royal Commission, any other prescribed authority, or an entity declared under the regulations of the *Territory Records Act 2002* to be an agency.

Appraisal

The process of evaluating business activities to:

- determine which records need to be captured;
- determine how long the records need to be kept to meet business needs; and
- meet the requirements of organisational accountability and community expectations.

Business Classification Scheme

A hierarchical scheme for identifying and defining the functions, activities and transactions an agency performs in the conduct of its business, and the relationships between them.

Converted Record

The copy of the record resulting from the conversion (compare source record). For example, the digitised copy of a paper record.

Health Record

Any record or any part of a record:

- (a) held by a health service provider and containing personal information; or
- (b) containing personal health information

Health Service

- (a) any activity that is intended or claimed (expressly or by implication), by the person providing it, to assess, record, improve or maintain the physical, mental or emotional health of a consumer or to diagnose or treat an illness or disability of a consumer; or
- (b) a disability, palliative care or aged care service that involves the making or keeping of personal health information;

but does not include any service declared by regulation to be an exempt service.

Health Service Provider

An entity that provides a health service in the ACT.

Last Action

Last action is any event or activity carried out on a record, e.g. modifying a record, adding a record to a file, last time a client accessed a service, the last time a record was used or accessed by or on behalf of the patient, the completion of an audit, project, case, etc.

Principal Officer

The Chief Executive of an administrative unit, or its equivalent in other types of agencies.

Record

Means a record in documentary or electronic form that consists of or includes personal health information in relation to a consumer (other than research material that does not disclose the identity of the consumer), and includes—

- a) a photograph or other pictorial or digital representation of any part of the consumer; and
- b) test results, medical imaging materials and reports, and clinical notes, relating to the consumer; and
- c) any part of a record; and
- d) a copy of a record or any part of a record.

Recordkeeping Systems

Information systems that capture, maintain and provide access to records over time. While the term is often associated with computer software, Recordkeeping Systems also encompass policies, procedures, practices and resources that are applied within an agency to ensure that full and accurate records of business activity are made and kept.

Records of an Agency

Records, in writing, electronic or any other form, under the control of an agency or to which it is entitled to control, kept as a record of its activities, whether it was created or received by the agency.

Records Disposal Schedule

A document approved by the Director of Territory Records, which sets out the types of records an agency must make and how long they must be kept.

Records Management Program

A document that complies with Section 16 of the *Territory Records Act 2002* by setting out the means by which an agency will manage its records, and is approved by the agency's Principal Officer.

Scope Note

An explanation of terms used in describing the records and the context in which they were made and used.

Sentencing

The process of applying appraisal decisions to individual records by determining the part of a Records Disposal Schedule that applies to the record and assigning a retention period consistent with that part.

Source Record

The copy of the record that is being converted into another format (compare converted record). For example, the paper record that is being digitised.

Territory Archives

Records preserved for the benefit of present and future generations.

BUSINESS CLASSIFICATION SCHEME

HEALTH TREATMENT AND CARE

The function of providing patient/client health care and treatment by a health service provider. Includes individual health evaluation, diagnosis, treatment, care, progress and health outcomes of clients and patients.

Audit

The activities associated with officially checking financial, quality assurance and operational records to ensure they have been kept and maintained in accordance with agreed or legislated standards and correctly record the events, processes and business of the agency in a specified period. Includes compliance audits, financial audits, operational audits, recordkeeping audits, skills audits, system audits and quality assurance audits.

Committees

The activities associated with the managing of committees and task forces. Includes the committee's establishment, appointment of members, terms of reference, proceedings, minutes of meetings, reports, agenda etc.

Control

The activities associated with creating, maintaining and evaluating control mechanisms. Includes classification, indexing, registration, forms design etc to ensure maximum control over records and recordkeeping systems. Also includes control mechanisms for other information resources and systems.

Inventory

The activities associated with listing and preparing lists of items and assets in the possession of the agency.

Litigation

The activities involved in managing lawsuits or legal proceedings between the agency and other parties in a court or other tribunal. Includes briefs for counsel; copies of documents required by or lodged with a court; consultation with the Attorney-General and other agencies; and records documenting compliance with court instructions, e.g. subpoenas and discovery orders.

Procedures

Standard methods of operating laid down by the agency according to formulated policy.

Public Reaction

The process of handling public reaction to an agency's policies or services. Includes anonymous letters, letters of complaint and letters of congratulations or appreciation received from the public.

Quality Assurance

The activities involved with the development, monitoring and reviewing of quality assurance programs.

Reporting

The processes associated with initiating or providing a formal response to a situation or request (either internal, external or as a requirement of corporate policies, regulation, or legislation, e.g. Annual Report). Includes statistics and returns.

Note: Reports resulting from a routine activity, e.g. inspection reports, form part of that activity, i.e. reports resulting from an inspection are part of the inspection and not the activity of Reporting. Reports of these types should be classified as part of the greater activity generating the report.

Research

The activities involved in investigating or enquiring into a subject or area of interest in order to discover facts, principles, etc. Used to support development of projects, standards, guidelines, etc. and business activities in general. Includes following up enquiries relating to programs, projects, working papers, literature searches, etc.

Service Provision

The activities relating to services provided by an agency on a long term basis or by other agencies. Includes requests and applications for services, assessment of eligibility and entitlements, liaison with other agencies regarding the provision of services. Also includes activities to lobby for services and to increase service provision. Also includes the installation, operation and removal of temporary facilities in parks and reserves, such as water, electricity, temporary toilets, etc. for special outdoor events.

RECORDS DISPOSAL SCHEDULE

RETAIN AS TERRITORY ARCHIVES

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SCHEDULE OF AMENDMENTS – this information is provided for the assistance of users but does not form part of the Notifiable Instrument.

Amendments to the Health Treatment and Care Records Disposal Schedule	Dated: <Month> 2017
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Function (Amendments)

New Features (Amendments and Insertions)		
Activity	Entry no.	Description
Control	019.026.025	Retention period reduced from 7 years to 2 years in line with changes to legislation.
Service Provision	019.169.024	Class description changed to reflect the type of records covered and a sentencing tip has added guiding users to the new classes.
Service Provision	019.169.050	Retention period reduced from 7 years to 2 years in line with changes to legislation.
Service Provision	019.169.051	Retention period reduced from 7 years to 2 years in line with changes to legislation.
Service Provision	019.169.054	Retention period reduced from 7 years to 2 years in line with changes to legislation.
Service Provision	019.169.059	New class
Service Provision	019.169.060	New class

Deletions		
Activity	Entry no.	Description