ANNEX 1 – EXTANT LEGISLATION AND GUIDANCE

NB: Scottish Government and NHS Scotland material / guidance typically translate the legal requirements into instructions for NHS organisations to follow. Each NHS organisation therefore has to translate these instructions into policies and procedures that can be applied in practice.

UK Legislation
Consumer Protection Act 1987
Access to Medical Reports Act 1988
Copyright Design and Patents Act 1988
Health Records Act 1990
Defamation Act 1996
Data Protection
Legislation
Human Rights Act 1998
Regulatory and Investigative Powers Act 2000
Obscene Publications Act 1959 & 1964
Civil Contingencies Act 2004
Health & Safety at Work etc Act 1974 and subsidiary regulations

EU Legislation
General Data Protection Directive (GDPR)

Scottish Legislation
Public Records (Scotland) Act 2011 Prescription and Limitations (Scotland) Act 1973
Computer Misuse Act, Civic Government (Scotland) Act 1982
Disposal of Records (Scotland) Regulations 1992
Freedom of Information (Scotland) Act 2002

Scottish Government Correspondence
Scottish Government Records Management Code of Practice V 2.1 January 2012
Scottish Health Memorandum 60 of 1958 (SHM58/60)
MEL (1993)152 – Guidance for Retention and Destruction of Medical Records
Scottish Procurement Directorate Policy Note SPPN 11/2004 (Scottish Public Sector Procurement and Freedom of Information Guidance)
NHS (Scotland) HDL (2006) 41 - NHS Scotland Information Security Policy
SGHD/CMO/(2015)7 Revised guidance on the Disposal of pregnancy loss up to and including 23 weeks and 6 days gestation

Other Documentation
ECL 2/68 – ‘Disposal of Records Which Have Lost Their Value’
‘Protecting and Using Patient Information’ – A Manual for Caldicott Guardians
The Health Archives Group’s booklet: ‘Hospital Patient Case Records – A Guide To Their Retention and Disposal’.
Confidentiality and Security Group Scotland (CSAGS)Report 2001