

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

SFOI Implementation Group: Records Management Sub-Group – SFOI (2003)01

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

HDL (2006) 28 – The Management, Retention and Disposal of Administrative Records

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’

Unique ID: NHSL.

Category/Level/Type:

Status: Final

Authorisation:

Date added to Intranet:

Key Words: Records Management – Retention and Destruction

Author (s): Head of Information Governance

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Revised Guidance on the Disposal of Pregnancy Loss Up to And Including 23 Weeks and 6 Days Gestation SGHD/CMO(2015)7

'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

Caldicott Report 2000.

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