

Guidelines:

1. Retention of records in a recoverable form will be as follows:
 - Ledger time- time periods from last entry date
 - Inpatient record- time period runs from date of discharge or death
 - Outpatient record- time period runs from date of last visit
2. If litigation or potential litigation exists on a matter related to Hospital records/ documents, all such records/ documents must be retained to the conclusion of the action. All related documents are kept in a locked, secure environment.
3. All hospital information retained by a department is to be recorded and is to be current including:
 - a) record or document title
 - b) record or document type (original or copy)
 - c) storage location
 - d) storage medium
 - e) retention period
 - f) method of disposal

Destruction Policy

Shred-It boxes are conveniently located throughout the facility for the destruction of confidential documents that are no longer required and for which the retention period has been met.

For larger volumes of documents, special arrangements need to be made with the Operations Manager for coordination with the document shredding company. Upon destruction, a “Certificate of Destruction” is issued, guaranteeing the complete and secure destruction of all information. The destroyed documents, in the form of confetti-sized pieces, are transferred to the recycling facility, where they return to the marketplace in the form of items such as recycled household paper products.

4. The Chief Financial Officer serves as a resource person for questions related to retention and storage of financial information.
5. The Privacy Officer serves as a resource person for questions related to privacy of information retained/destroyed.
6. The manager of Health Records serves as a resource person for questions related to retention and storage of patient information.
7. The Human Resources Officer serves as a resource person for questions related to retention and storage of personnel information.

Department Storage:

1. Confidential information must be stored in locations with approved locks
2. If the area is unlocked, personnel must be present to ensure security
3. Hospital information stored outside of department area is to be placed in business record cartons and each carton is to be clearly labeled with:
 - a) contents and the department owner (black ink), and
 - b) destruction date (red ink)

OVERVIEW OF GUIDELINES

The guidelines are divided into four categories of records: (1) Corporate; (2) Financial; (3) Human Resources; and (4) Patient Care Records. A brief summary of the applicable legislation and major considerations in each category is set out below.

1. Corporate Records

Hospital corporations are generally non-share capital corporations incorporated by letters patent under the *Corporations Act*. The *Corporations Act* does not explicitly address the issue of record retention. Section 300 of the *Corporation Act* requires a corporation to cause certain corporation records “to be kept”, for example, copies of letters patent, by-laws, and director and member registers. The interpretation of the Ontario Government is that “to be kept” refers to keeping the record indefinitely.

Subsection 269(2) of the *Corporation Act* provides that after five (5) years from the date of dissolution of a corporation, the corporation (or anyone with custody of books and records) is not responsible if books and records are not forthcoming to a person claiming an interest in the books and records. Thus, where *Corporations Act* records are not kept permanently in archives, they must be destroyed five (5) years following the dissolution of the hospital corporation.

2. Financial Records

The *Corporations Act* requires the hospital corporation to maintain accounting records concerning financial and other transactions of the corporation, but does not specify a retention period for the records. Thus, guidance as to an appropriate retention period is determined by the following factors: (a) federal and provincial tax requirements; (b) whether the record is of enduring interest; and (c) applicable limitation periods.

The CRA requires registered charities and all organizations that are required to pay or collect taxes to retain books and records, although the CRA does not specify the books and records to be kept. According to the CRA, books and records have to do the following: (a) permit a determination of taxes payable or to be collected, withheld, or deducted; (b) substantiate the qualification of registered charities; and (c) verify charitable donations. In addition, books and records should be supported by source documents, examples of which include: invoices; deposit slips; dockets; bank statements; work orders; tax returns; and correspondence relating to financial or tax matters. Regulations to the *Income Tax Act* specify retention periods for certain records.

There are also record retention requirements under provincial legislation, for example, the *Retail Sales Tax Act* and the *Employer Health Tax Act*. Generally provincial legislation requires corporations to maintain adequate records to support determination of amounts payable, charges, collected and remitted. The Ontario Government has also established a general consent for the destruction of books and records held for Ontario tax purposes (*see Appendix B in OHAs Record Retention Toolkit: A Guide to Maintenance and Disposal of Hospital Records*).

3. Human Resource Records

Several statutes such as the *Employment Insurance Act* (Canada) and the *Employment Standards Act* contain retention requirements for records relating to employment. However, financial records that are employment records are subject to the requirements of the *Income tax Act* as well. These guidelines also cover other types of human resources records, for example, those relating to employee health and safety and physician applications. Because the retention periods vary for different components of any employee's file, hospitals may want to adopt a single retention period for these files. This will support consistent implementation of retention practices across the organization.

4. Patient Care Records

Regulation 965 under the *Public Hospitals Act* requires hospitals to retain medical records for a patient, as well as notes, charts and other material relating to patient care. Regulation 965 also contains requirements relating to destruction of patient care records (*for the relevant provisions of Regulation 965, see Appendix C in OHAs Record Retention Toolkit: A Guide to Maintenance and Disposal of Hospital Records*). Other legislation such as the *Food and Drugs Act* and the *Controlled Drugs and Substances Act*, also apply to patient care records. The hospital must also consider the applicable limitation period to ensure that it has sufficient material to defend the hospital, employees and staff in the event of a legal proceeding.

Generally, the hospital retains patient care records for diagnosing, treating and caring for patient. The hospital also uses these records for teaching purposes. In addition, the hospital and other organizations may use these records for auditing or reviewing medical, nursing or other care, and for assessing compliance with applicable standards, for example, those set by the Canadian Council on Health Services Accreditation.

SHHA will retain and dispose of corporate, financial, human resource and patient care records according to the schedule in Appendix A:

**APPENDIX A
CORPORATE RECORDS**

	RECORD	RETENTION PERIOD				COMMENTS
		Minimum Legal Requirement		Recommended Retention Period		
		Retention Period	Statute or Regulation	Retention Period	Rationale	
C1	Documents of Incorporation	Indefinitely	<i>Corporations Act, s. 300</i>	Life of hospital plus five (5) years	Subsection 269 (2) of the <i>Corporation Act</i> This section provides that after the lapse of five (5) years from the date of dissolution of a corporation, no responsibility rests on it or the liquidator, or anyone whom the custody of the books, accounts and documents of the corporation has been committed to provide the same to any person claiming to be interested therein.	May be of enduring interest
C2	By-laws and Special Resolutions	Indefinitely	<i>Corporations Act, s. 300</i>	Life of hospital plus five (5) years	Subsection 269 (2) of the <i>Corporations Act</i> (see rationale under C1)	May be of enduring interest
C3	Register of Members	Ten (10) years	<i>Corporation Act, s. 300</i>	Ten (10) years	Statutory requirements	May be of enduring interest

	RECORD	RETENTION PERIOD				COMMENTS
		Minimum Legal Requirement		Recommended Retention Period		
		Retention Period	Statute or Regulation	Retention Period	Rationale	
C4	Register of Directors	Indefinitely	<i>Corporation Act</i> , s. 300	Life of hospital plus five (5) years	Subsections 269(2) of the <i>Corporation Act</i> (see rationale under C1)	May be of enduring interest
C5	Notices under the <i>Corporation Information Act</i>	Life of the hospital	<i>Corporation Information Act</i> , s. 500	Life of the hospital	Statutory requirements	Section 5 of the <i>Corporation Information Act</i> requires a corporation to maintain a record of the information set out in notices and returns it has filed under this Act
C6	MINUTES					
1	Board and Executive Committee Minutes	Indefinitely	<i>Corporation Act</i> , s. 299 and s. 304	Life of the hospital plus five (5) years	Subsection 269(2) of the <i>Corporation Act</i> (see rationale under C1)	May be of enduring interest
2	Minutes of Members Meeting	Indefinitely	<i>Corporation Act</i> , s. 299 and s. 304	Life of the hospital plus five (5) years	Subsection 269(2) of the <i>Corporation Act</i> (see rationale under C1)	May be of enduring interest

	RECORD	RETENTION PERIOD				COMMENTS
		Minimum Legal Requirement		Recommended Retention Period		
		Retention Period	Statute or Regulation	Retention Period	Rationale	
3	Standing Committees of the Board (not including Executive Committee)	n/a	n/a	See comments	See comments	<p>May be of enduring interest.</p> <p>Section 5800 of the regulations under the <i>Income Tax Act</i> (Canada) requires registered charities to retain minutes of meetings of the “Executive” of a registered charity until two (2) years after the date on which the registered charity is revoked. The term “executive” is undefined. A conservative approach would be to retain Standing Committees Minutes for the same period as Board and Executive Committee minutes. Hospitals could adopt a shorter retention period for Standing Committee minutes by interpreting the term “Executive” to refer to the Board and Executive Committee only.</p> <p>If committee minutes are referred to in board minutes, hospitals should retain the committee minutes with the Board minutes.</p> <p>From a practical and risk management perspective, it is prudent for hospitals to retain minutes for Standing</p>

						<p>Committee meetings for a considerable period (e.g. fifteen (15) years or more), if not indefinitely, although the retention period may vary depending on the mandate of the committee.</p> <p>It is worthwhile noting that business corporations incorporate under the <i>business Corporation Act</i> are required by that Act to retain records containing meets of any committee of directions for at least the life of the corporation</p>
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	RECORD	RETENTION PERIOD				COMMENTS
		Minimum Legal Requirement		Recommended Retention Period		
		Retention Period	Statute or Regulation	Retention Period	Rationale	
C7	Executive Correspondence	n/a	n/a	Date of correspondence plus minimum two (2) years up to fifteen (15) years or life of the hospital (see comments)	Reasonable practice / <i>limitations Act</i> , s.4 and s. 15	Generally, the subject matter or documents to which the correspondence refers will dictate the retention period. Thus, entries in these guidelines may be used as the basis for establishing a retention period for different categories of correspondence. May be of enduring interest.
C8	General Corporate Correspondence	n/a	n/a	Date of correspondence plus minimum two (2) years up to fifteen (15) years or life of the hospital (see comments)	Reasonable practice / <i>limitations Act</i> , s.4 and s. 15	Comments for C7 apply
C9	Position Papers, Briefs, Key Speeches or Presentations, and Media Releases	n/a	n/a	Two (2) years to fifteen (15) years (see comments)	Reasonable practice / <i>limitations Act</i> , s.4 and s. 15	Comments for C7 apply

	RECORD	RETENTION PERIOD				COMMENTS
		Minimum Legal Requirement		Recommended Retention Period		
		Retention Period	Statute or Regulation	Retention Period	Rationale	
C10	Hospital Policies	n/a	n/a	Lesser of fifteen (15) years from when policy is no longer in use or life of hospital plus five (5) years	Subsection 269(2) of the <i>corporation Act</i> (see rationale under C1) <i>Limitations Act</i> , s.4 and s.15	Some hospitals may consider a shorter period (e.g. five (5) years) from when the policy is no longer in use if the fifteen (15) year period it to burdensome provided they follow a consistent practice concerning retention. May be of enduring interest.
C11	Commercial Agreements	n/a	n/a	Life of the agreement plus a minimum of two (2) years	<i>Limitations Act</i> , s.4 and s.15	Care should be taken to retain agreement with specific provisions (e.g. confidentiality and indemnity) that survive termination of the contract. Agreements involving patient care should be kept for a longer period (i.e., between two (2) and fifteen (15) years from expiry/ termination)
C12	Litigation Files	n/a	n/a	Minimum of when the court action is finally disposed	Reasonable practice	Final disposition means that the matter is resolved by way of settlement or judgment and all applicable appeal periods are exhausted. Some hospitals prefer to retain litigation files for a longer period.

	RECORD	RETENTION PERIOD				COMMENTS
		Minimum Legal Requirement		Recommended Retention Period		
		Retention Period	Statute or Regulation	Retention Period	Rationale	
C13	Insurance Policies	n/a	n/a	Variable. Depending on policy	Reasonable practice/ <i>Limitations act</i> , s. 15	Some policies operate on a “claims made” basis, in which case the policy need be retained for only a limited period following termination. Other policies operate on a “claim- incurred” basis, in which case the policy should be retained for the life of the hospital or minimum fifteen (15) years following expiry/ termination of the policy. Fire insurance policies can be kept for one (1) year following expiry/ termination.
C14	Fire Safety Tests and Inspections	Test or inspection date plus two (2) years	Fire Code under the Fire Protection and Prevention Act, ss. 2.8, 6.2, 6.7, 6.8	Test or inspection date plus two (2) years	Statutory requirement	The retention period applies to written tests and corrective measures relating to the following: (a) fire safety plan; (b) portable fire extinguisher maintenance testing; (c) sprinkler system inspection; (d) emergency power system inspections; and (e) maintenance and testing of special extinguishing systems. In addition, records for the required annual drill should be kept for one (1) year following the drill.

	RECORD	RETENTION PERIOD				COMMENTS
		Minimum Legal Requirement		Recommended Retention Period		
		Retention Period	Statute or Regulation	Retention Period	Rationale	
C15	Elevator Log Book	Date of last entry plus minimum give (5) years	Elevating Devices Regulation under the Technical Standards and Safety Act, s. 34	Date of last entry plus minimum five (5) years	Statutory requirements	n/a
C16	Engineering Drawings, Blueprints	n/a	n/a	Life of the subject matter of the records plus fifteen (15) years	<i>Limitations Act</i> , s. 15	May be of enduring interest
	CIHI Reports Includes: - Discharge Analysis - eCHAP	n/a	n/a	Ten (10) years	SHHA Practice	
	CIHI Report - Submission Reports	n/a	n/a	Two (2) years from submission	SHHA Practice	

	RECORD	RETENTION PERIOD				COMMENTS
		Minimum Legal Requirement		Recommended Retention Period		
		Retention Period	Statute or Regulation	Retention Period	Rationale	
	Code Committee	n/a	n/a	Ten (10) years	SHHA Practice	
	Mock codes	n/a	n/a	Three (3) years from last Accreditation	SHHA Practice	
	NRC Picker Patient Satisfaction Survey Results	n/a	n/a	Permanent	SHHA Practice	
	Accreditation Survey Recommendations/Results	n/a	n/a	Ten (10) years	SHHA Practice	

FINANCIAL RECORDS

	RECORD	RETENTION PERIOD				COMMENTS
		Minimum Legal Requirement		Recommended Retention Period		
		Retention Period	Statute or Regulation	Retention Period	Rationale	
F1	Books of Account and Accounting Records relating to all financial and other transactions (including general ledger or other book of final entry)	Indefinitely (see comments)	<i>Income Tax Act</i> , s. 230 <i>Income Tax Act Regulations</i> , s. 5800 <i>Corporations Act</i> , s. 302	Life of the hospital plus five (5) years	Subsection 269 (2) of the <i>Corporation Act</i> (see rationale under C1)	May be of enduring interest. This retention meets the retention period in s. 230 if the <i>Income Tax Act</i> and s. 5800 of the regulations relating to the general ledger or other book of final entry. (The retention period in the <i>Income Tax Act</i> is life of the hospital plus two (2) years).
F2	Special Contracts or Agreements necessary to understanding general ledger entries	Life of the hospital plus two (2) years	<i>Income Tax Act</i> , s. 230 <i>Income Tax Act Regulations</i> , s. 5800	Life of the hospital plus two (2) years	Statutory Requirement	n/a

	RECORD	RETENTION PERIOD				COMMENTS
		Minimum Legal Requirement		Recommended Retention Period		
		Retention Period	Statute or Regulation	Retention Period	Rationale	
F3	Source Documents (i.e. records integral to the creation of financial statements and tax returns)	Six (6) years from end of tax year (fiscal period) to which they relate	<i>Income Tax Act, s. 230</i> <i>Income Tax Act Regulations, s. 5800</i>	Six (6) years from end of tax year (fiscal period) to which they relate	Statutory requirements	<p>This requirement applies to financial books and records not subject to the “life of hospital plus two (2) years’ rule or other specified retention periods.</p> <p>Examples include: receipts; invoices; vouchers; cheques; banking information; correspondence; tax slips; tax returns; and tax work sheets.</p> <p>The category includes annual financial statements (and registered charity information returns), which may ne on enduring interest.</p> <p>Fixed asset vouchers should be kept for the life of the asset or the six (6) year period, whichever is longer.</p>
F4	Duplicates of Charitable Donation Receipts (other than 10-year gifts)(see F5)	Two (2) years from end of calendar year to which they relate	<i>Income Tax Act, s. 230</i> <i>Income Tax Act Regulations, s. 5800</i>	Two (2) years from end of calendar year to which they relate	Statutory Requirement	n/a

	RECORD	RETENTION PERIOD				COMMENTS
		Minimum Legal Requirement		Recommended Retention Period		
		Retention Period	Statute or Regulation	Retention Period	Rationale	
F5	Donation Records (10-year gifts)	Two (2) years after revocation of charitable registration	<i>Income Tax Act</i> , s. 230 <i>Income Tax Act Regulations</i> , s. 5800	Two (2) years after revocation of charitable registration	Statutory requirements	This applies to any donation subject to a donor direction that the property given be held for a period of not less than 10 years.
F6	Records supporting HST rebate or refund	Six (6) years from end of calendar year in which record was made	HST portion of <i>Excise Tax Act</i> , s. 286	Six (6) years from end of the year to which the record relates	Statutory requirements	This requirement applies to records relating to the determination of entitlement to a rebate or refund of HST
F7	Employer Health Tax Record (including sources documents)	None specific	<i>Employer Health Tax Act</i> (section 23 requires retention of records, but does not provide retention period)	At least seven (7) years	Ontario Ministry of Finance Tax Information Bulletin	Ministry of Financial General Consent allows destruction of records subject to conditions, including that the records must relate to the fiscal year that ended more than seven (7) years before the year of destruction. Before destroying records, hospitals should review conditions and requirements for records in Ministry of Finance's Tax Information Bulletin, <i>Retention/ Destruction of Books and Records</i> .

	RECORD	RETENTION PERIOD				COMMENTS
		Minimum Legal Requirement		Recommended Retention Period		
		Retention Period	Statute or Regulation	Retention Period	Rationale	
F8	Retail Sale Tax Records (including source documents)	None specific	<i>Retail Sales Tax Act</i> (section 16 requires retention of records, but does not provide retention period)	At least seven (7) years	Ontario Ministry of Finance Tax Information Bulletin	See comments for line F7 above
F9	OHIP Records	None specified	<i>Health Insurance Act</i> (section 37.1 requires retention of records, but does not provide retention period)	Date of record plus minimum ten (10) years	Consistent with retention period for patient care records	The <i>Health Insurance Act</i> requires hospital to maintain records to establish that it provided an insured service, to verify it provided the service, and that the service was medically and therapeutically necessary.
F10	Other Financial Records relating to patient care	n/a	n/a	Generally, current years plus minimum two (2) years	<i>Limitations Act</i> , s.4 and s. 15	The hospital should set the retention period for other financial records on the likelihood of the hospital or a third party requiring access to the documents, whether for litigation or other purposes. Examples of records which the hospital may want to retain include: admission and discharge forms; patient census; and charge slips.
F11	Emergency Department Recruitment Program	Seven (7) years from the date of the expiry or termination of the agreement	n/a	Seven (7) years from the date of the expiry or termination of the agreement	Agreement requirement	‘The Emergency Group and SHHA shall, for a period of seven years from the date of the expiry or termination of the Agreement, keep and maintain all financial records, invoices and other financially-related documents relating to the Funds or to the Program in a manner consistent with generally accepted accounting principles and clerical practices’.

	RECORD	RETENTION PERIOD				COMMENTS
		Minimum Legal Requirement		Recommended Retention Period		
		Retention Period	Statute or Regulation	Retention Period	Rationale	
F12	Procurement Documents	Seven (7) years from the date of the expiry or termination of the agreement	Broader Public Sector Procurement Directive	Seven (7) years from the date of the expiry or termination of the agreement	Directive Requirement	For reporting and auditing purposes all procurement documentation, as well as any other pertinent information must be retained in a recoverable form for a period of seven years.

HUMAN RESOURCES RECORDS

	RECORD	RETENTION PERIOD				COMMENTS
		Minimum Legal Requirement		Recommended Retention Period		
		Retention Period	Statute or Regulation	Retention Period	Rationale	
HR1	Payment Records and Books of Account	Six (6) years following the year for which they are kept	<i>Employment Insurance Act</i> (Canada), ss. 87(3)	Six (6) years following the year in which the record was made	Statutory requirement	Records must contain information, including the social insurance number relating to each employee, to allow determination of premiums payable under the Act, or any premiums that should have been deducted to paid. Accounts and vouchers necessary to verify the information in the records must also be kept.
HR2	Canada Pension Plan Contributions	Six (6) years following the year for which they are kept	<i>Canada Pension Plan</i> (Canada), ss. 24(2)	Six (6) years from the end of the year in which the record was made	Statutory requirement	Applies to record and books for account necessary to ascertain the <i>Canada Pension Plan</i> contributions that were or should have been made or other amounts that should have been deducted or paid. Accounts and vouchers necessary to verify the information in the records must also be kept.
HR3	Employee Records	Three (3) years after creation date	<i>Employment Standards Act</i> , s. 15	Three (3) years after the date to which the record relates	Statutory requirement	Records to which this period applies include: pregnancy, parental, emergency and family leave information, wage statements; vacation (time and pay) statements; excess hours agreements; overtime averaging agreements; and hours worked (or excess hours worked, if the employee is salaried and not exempt from overtime pay).

	RECORD	RETENTION PERIOD				COMMENTS
		Minimum Legal Requirement		Recommended Retention Period		
		Retention Period	Statute or Regulation	Retention Period	Rationale	
HR4	Employee Information	Three (3) years after employee's departure	<i>Employment Standards Act, s. 15</i>	Three (3) years after employee's departure	Statutory requirement	This period applies to the following employee information: name; address; date of birth; (if the employee is a student and under the age of 18); and start date of employment.
HR5	Hiring and Interview Notes	n/a	n/a	At least one (1) year after date of hire.	Ontario Human rights Commission recommendation	n/a
HR6	Miscellaneous Employment Records and Documents	n/a	n/a	Creation date plus minimum two (2) years	Reasonable practice	Examples of records and documents include: employment offer letters and contracts; performance reviews and discipline notices; information regarding raises, promotions and transfers; job descriptions; and employee complaints, responses and investigation notes.
HR7	Human Resource Records that are Financial Records	Six (6) years from end of tax year (fiscal period) to which they relate	<i>Income Tax Act, s. 230</i> <i>Income Tax Act Regulations, s. 5800</i>	Six (6) years from end of tax year (fiscal period) to which they relate	Statutory requirements	<i>Income Tax Act</i> limitation periods apply because the records are integral to the creation of financial statements and tax returns to these records. These records include payroll records, cancelled pay cheques, exemption forms, HOOPP records, and T-4 forms and other taxation records. (see table relating to financial records)

	RECORD	RETENTION PERIOD				COMMENTS
		Minimum Legal Requirement		Recommended Retention Period		
		Retention Period	Statute or Regulation	Retention Period	Rationale	
HR8	Physician Applications (rejected)	n/a	n/a	Two (2) years	<i>Limitation Act, s. 4</i>	If the application results in an appointment, the application constitutes part of the appointment record.
HR9	Physician Appointment Records	n/a	n/a	End of appointment year plus six (6) years	Reasonable practice / <i>Limitation Act, s. 4 and s. 15</i>	<p>Physicians' appointments are generally made year-to-year. Except for incidents involving patient care or disciplinary consideration or action, the issues most likely to arise in respect of an appointment are the terms of the appointment, which involve primary contractual issues, in respect of which two (2) years would be appropriate retention period.</p> <p>Incidents or disciplinary considerations that could have some relevance to a legal proceeding, inquiry or investigation (especially relating to patient care) should be retained longer, given the ultimate limitation period of fifteen (15) years under the <i>Limitation Act</i>.</p> <p>The seven (7) year recommendation is a balance between these considerations. Hospitals may wish to use it as the basis for a single retention period for appointment records.</p>

	RECORD	RETENTION PERIOD				COMMENTS
		Minimum Legal Requirement		Recommended Retention Period		
		Retention Period	Statute or Regulation	Retention Period	Rationale	
HR 10	Workplace Accident/ Incident Investigation Records	n/a	<i>Workplace Safety and Insurance Act</i> (see comment)	Creation year plus minimum six (6) years	Reasonable practice	<p>Documents would include accident records, medical information, and correspondence with the Workplace Safety and Insurance Board (WSIB).</p> <p>Under the Act, a worker must file a claim within six (6) months after an accident or six (6) months after the worker learns he or she suffers from a disease.</p> <p>The recommendation reflects considerations relating to latent or continuing conditions. This includes a worker, whether covered under the Act or not, who may not ‘discover’ the effects of an incident for several years.</p>
HR 11	Minutes of Joint Health and Safety Committee	None specified	<i>Occupational Health and Safety act</i> (requires retention of records, but does not provide retention period)	Current year plus minimum six (6) years	Reasonable practice/ <i>Limitations Act</i> , s.4 and s. 15	Because latent and continuing conditions may give rise to future liability, the recommendation covers the two (2) year limitation period under the <i>Limitations Act</i> and the recommended period for accident documents (see line HR10). A more conservative period would be fifteen (15) years to reflect the ultimate limitation period under the <i>Limitations Act</i> .

	RECORD	RETENTION PERIOD				COMMENTS
		Minimum Legal Requirement		Recommended Retention Period		
		Retention Period	Statute or Regulation	Retention Period	Rationale	
HR 12	Material Safety Data Sheet	n/a	<i>Occupational Health and Safety Act</i> (requires retention of records, but does not provide retention period)	Date of expiry plus minimum two (2) years	<i>Limitations Act</i> , s. 4 and s. 15	Under the act, a material safety data sheet expires three (3) years after its publication. Hospitals should consider longer retention periods for records that may involve latent or continuing conditions or issues, for example; environmental activity or exposures.
HR 13	Occupational Health and Safety Records Includes: - MOL inspections	None specified	<i>Occupational Health and Safety Act</i> (requires retention of records, but does not provide retention period)	Current year plus six (6) years	Reasonable practice/ <i>Limitation Act</i> , s.4 and s. 15	These would include records relating to storage use and disposal of biological agents and records relating to worker exposure to chemical or biological agents. Hospitals should consider a longer retention period for records that could be relevant for a legal claim or proceeding, especially records that may involve latent or continuing conditions or issues, for example, environmental activity or exposures. (Comments from line HR11 apply).

	RECORD	RETENTION PERIOD				COMMENTS
		Minimum Legal Requirement		Recommended Retention Period		
		Retention Period	Statute or Regulation	Retention Period	Rationale	
HR 14	Notice of accidents and records relating to confined spaces, lifting or self-propelled mobile equipment, autoclave/sterilization machinery, and lifting equipment	One (1) year of such longer period as necessary to ensure that the two most recent reports or records are on file	<i>Health Care and Residential Facilities Regulation, s. 4 (Regulation 67/93 under the Occupational Health and Safety Act)</i>	One (1) year of such longer period as necessary to ensure that the two most recent reports or records are on file	Statutory requirement	Records of tests of lifting equipment should be kept for as long as equipment remains on premises and for one (1) year after the equipment is removed.
	General Staff Meeting Minutes	n/a	n/a	Two (2) years	SHHA Practice	
	Education/Professional Development Course Certificates - Training records	n/a	n/a	Ten (10) years from the last day of employment	Employment Standards Act Section 15 (5)	

PATIENT CARE RECORDS

	RECORD	RETENTION PERIOD				COMMENTS
		Minimum Legal Requirement		Recommended Retention Period		
		Retention Period	Statute or Regulation	Retention Period	Rationale	
REGISTERS						
P1	Patient Registers - Patient - Out-Patient - Emergency - Operating Room	n/a	n/a	Fifty (50) years	The patients register may be considered to form part of the medical records of patient or out-patients and should be retained for a period that is the latest retention period that could arise in respect of the medical records of each patient named in the register.	Regulation 965 under the <i>Public Hospitals Act</i> does not expressly require the retention of the patient register for a specified period. Twenty- five (25) years would be the minimum retention period, which encompasses the retention period for medical records plus the ultimate limitations period under the <i>Limitations Act</i> . Fifty (50) years represents a practical and conservative retention period.
P2	Patient Records (medical record, notes, charts and other material), including slides made for microscopic examination from tissue removed from a patient on which a report has been made, other than normal blood smears. Medical Records and other note, charts and other material relating to patient care are all “records of personal health information” and are subject to the same year retention period.					
A	Adult in-patient (18 years and older)	Minimum ten (10) years after discharge or death	<i>Public Hospitals Act</i> , Regulations 965, clause 20(3)(a)	Minimum ten (10) years after discharge or death	Statutory requirement	When setting the retention period, hospitals should consider the ultimate limitation period of fifteen (15) years under the <i>Limitations Act</i> .

	RECORD	RETENTION PERIOD				COMMENTS
		Minimum Legal Requirement		Recommended Retention Period		
		Retention Period	Statute or Regulation	Retention Period	Rationale	
B	Adult out-patient (18 years and older)	Minimum ten (10) years after last visit or death	<i>Public Hospitals Act</i> , Regulation 965, clause 20(3)(b)	Minimum ten (10) years after patients 18 th birthday	Statutory requirement	See comments for line P2A above. See comments above relating to medical records of out-patients.
P3	Diagnostic Imaging Records- A hospital is not required to retain a videotape of a diagnostic imaging examination text unless the videotape constitutes the only diagnostic text imaging record of the examination or test.					
A	Adult (18 years and older)	Minimum five (5) yeas after the creation of the record Minimum ten (10) years for breast examination	<i>Public Hospitals Act</i> , Regulation 965, clause 20(4)(a) and 20(5)(a)	Minimum five (5) years after the creation of the record Minimum ten (10) years for breast examination	Statutory requirement	See comments for line P2A above.
B	Patient less than 18	Minimum five (5) years after patient's 18 th birthday Minimum ten (10) years for breast examination	<i>Public Hospitals Act</i> , Regulation 965, clause 20(4)(b) and 20(5)(b)	Minimum five (5) years after patient's 18 th birthday Minimum ten (10) years for breast examination	Statutory requirement	See comments for line P2A above

	RECORD	RETENTION PERIOD				COMMENTS
		Minimum Legal Requirement		Recommended Retention Period		
		Retention Period	Statute or Regulation	Retention Period	Rationale	
P4	Minutes of Committees relating to Patient Care (other than standing committees of the Board)	n/a	n/a	Fifteen (15) years		Examples of committees include medical records, patient care, infection control, and utilization committees. Some records may be of enduring value. Joint
P5	Narcotic Records, Controlled Drug Records, and Out-Patient Prescriptions	Not less than two (2) years from the creation of the record	Narcotic Control Regulations under the <i>Controlled Drugs and Substances Act</i> , s. 63(b) Division 5 of Part G (G.05.001) of Food and Drug Regulations under the <i>Food and Drugs Act</i>	Year round plus minimum two (2) years*	<i>Limitations Act</i> , s. 4 and s. 15	The retention period recommended is based on the assumption that the hospital will retain a copy of the records as they relate to patient care in the medical record. If not, or in the event that the pharmacist or pharmacy personnel makes notations on the record, the narcotic record will be a new patient care record and should be retained for the appropriate period (see line P2 above). *Hospitals should consider up to a fifteen (15) year period where a legal claim or proceeding may arise.

	RECORD	RETENTION PERIOD				COMMENTS
		Minimum Legal Requirement		Recommended Retention Period		
		Retention Period	Statute or Regulation	Retention Period	Rationale	
P6	Copy of Physicians' Orders	n/a	n/a	Year of record plus minimum two (2) years*	<i>Limitations Act</i> , s. 4 and s. 15	<p>The retention period recommended is based on the assumption that the hospital will retain to patient care in the medical record. If not, the other will be a new patient care record and should be retained for the appropriate period (see line 1-4 above).</p> <p>*Hospitals should consider up to a fifteen (15) year period where a legal claim or proceeding may arise.</p>
	Death Review/Chart Audits	n/a	n/a	Fifteen (15) years	SHHA Practice	
	Education/Orientation Materials related to Patient Care	n/a	n/a	Three (3) years Exceptions: Pediatrics – 20 years Any clinical policy, protocol or guidelines referenced in a Medical Directive:	SHHA Practice	

				<ul style="list-style-type: none"> - For adults - 10 years - For a pediatric patient - 28 years 		
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NOTE CONCERNING PATIENT RECORDS AND LEGAL PROCEEDINGS:

Where patient records are subject or relevant to litigation, the hospital should retain all relevant patient records at least until the matter is finally resolved by way of settlement or judgment and all applicable appeal periods are exhausted.

If there is an investigation, inspection, inquest or other proceeding under the *Regulated Health and Professions Act*, *Health Insurance* or *Coroners Act*, the hospital must maintain patient records and other records relating to the proceeding until the proceedings are completely at an end.

Hospitals must not dispose of patient records to whom the record related has made a request to access under the *Personal Health Information Protection Act, 2004*. The hospital must not dispose of the records until the patient seeks access has exhausted all available resources under the Act.

NOTE CONCERNING DESTRUCTION OF PATIENT RECORDS:

Section 21 of Regulation 965 of the *Public Hospitals Act* requires the hospital Board of Directors to determine the procedure for the destruction of medical records and notes, charts and other material relating to patient care or photographs of any of them. The regulation requires that the administrator make and authenticate a written statement relating to the destruction of such records. The written statement must include: (a) the names of the patients whose records were destroyed; (b) the date and manner of the destruction; and (c) whether the destruction was consistent with the board procedures. Hospitals must keep this statement for as long as their by-laws require. The OHA-OMA Prototype By-Law provide a twenty-five (25) year retention period for the statement.

REFERENCE:

OHA’s Record Retention Toolkit: A Guide to Maintenance and Disposal of Hospital Records