



# **British Association for Sexual Health and HIV**

*Established 2003 through the merger of MSSVD (est. 1922) and AGUM (est. 1992)*

Royal Society of Medicine, 1 Wimpole Street, London, W1G 0AE  
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19 July 2005

Mr Rob Baker  
Archivist  
Chelsea and Westminster Healthcare NHS Trust  
Chelsea and Westminster Hospital  
369 Fulham Road  
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Dear Mr Baker,

Thank you for giving the British Association for Sexual Health and HIV (BASHH) the opportunity to respond to the draft Records Management: NHS Code of Practice.

Overall, the approach and layout of the document appears very clear, and the supporting annexes helpful and comprehensive.

Our comments pertain specifically to the minimum retention periods for Genitourinary Medicine notes, detailed in Annex Di, the Health Records Retention schedule.

**1. Genitourinary Medicine (GUM) records: 8 years**

We would suggest that this is modified to 8 years "for general records; see guidance" and with a rider indicating "may be longer for specified records".

**2. Psychosexual Counselling records: 30 years**

It is not current practice for GUM clinics to retain these notes for this length of time. BASHH assumes that this recommendation relates to the retention of the records of mentally disordered persons, but is not sure that this is appropriate, within the meaning of the Mental Health Act 1983. We would be grateful if this retention requirement could be clarified.

**3. Occupational Health records: 3 years**

Occupational Health Departments usually perform a pre-employment risk assessment for exposure to substances hazardous to health (usually chemical or biological). This risk assessment has to be kept for 40 years in accordance with COSHH Regulations 2002 (amended 2003). In practice, the majority of Occupational Health Departments retain the complete staff record for the same period of time.

Many GUM clinics see staff (and members of the public) for assessment for and provision of HIV post-exposure prophylaxis following exposure to blood or body fluids.

BASHH would appreciate clarification regarding whether GUM records in this situation would count as "Medical Records of those exposed to a substance hazardous to health" and should therefore be retained under COSHH regulations (see Regulations 7 (1), 11 (3) and Appendix 7). Individual advice given by Dr A Scott, Senior Medical Inspector, Nottingham Office, Health and Safety Executive is that the 40 year retention period pertains to notes which are being retained as part of health surveillance and that this does not apply to individuals presenting to GUM following occupational blood exposure.

Persons exposed to substances hazardous to health may present to several different specialties depending on local arrangements and therefore it may be worth listing this as a separate category in the retention list, with a link to the COSHH regulations



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#### **4. Permanent preservation of records**

Finally, although the notes accompanying the NHS retention and disposal schedules state that "public records over 30 years old and selected for permanent preservation must be transferred to the Public Records Office (PRO) or kept in a place of deposit, appointed under S.4 (1) of the 1958 Act", the schedule itself, in the first paragraph, states that "records should not be retained for more than 30 years". This obviously conflicts with the 40 year minimum for retention of notes under COSHH regulations, and would also conflict with the confidentiality requirements for GUM notes. Clarification of this would be helpful.

The draft BASHH guidance for GUM clinics on the retention and disposal of hospital notes is attached for your information.

We look forward to receiving your group's response to the comments raised by BASHH and welcome this opportunity for collaboration.

Yours sincerely.

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Cc: Dr Alan Scott, Senior Medical Advisor, Nottingham Office, Health and Safety Executive