Fact Sheet

October 2025

A guide to retention and storage of health information in NSW for private health service providers

Who is this information for?

Private health care providers in NSW

This fact sheet is only applicable to private health providers and not public sector agencies.

Why is this information important?

[What will happen e.g. This fact sheet will assist you to understand the process when you make an access application with a NSW government agency]

Relevant legislation

This fact sheet will help you understand the obligations and responsibilities in retaining and storing health information in accordance with NSW privacy laws.

How long must a private health service provider retain a patient's health information?

The required length of time depends on whether the patient's health information was collected when the patient was under the age of 18 years or an adult.[1]

If the patient was an adult (over the age of 18) when the health information was collected

A health service provider must retain a patient's health information for 7 years from the last occasion when a health service was provided.[2]

For example, if a health service provider collected information from an individual aged 25 years and the individual last attended a consultation at the health service provider on 31 June 2021 at which a health service was provided, the health service provider must retain the health information for 7 years from this date. In this scenario, the health service provider must retain the health information until 31 June 2028.

If the patient was under the age of 18 when the health information was collected

If a patient's health information was collected when they were under the age of 18, the health service provider must retain the patient's health information until the patient is 25 years old.

For example, if a health service provider collected information from an individual who last attended a consultation with the health service provider in 2017 and was 15 years old at the time. In this scenario the health service provider must retain the patient's health information until the patient is 25 years old in 2027. It is important to note the retention period will be dependent on the age of the individual and when they were last provided with a health service.[3]

What steps must be taken to ensure health information is secured?

Privacy Principles prescribe that health service providers must have security safeguards which are reasonable in the circumstances to protect against unauthorised access and other misuse of the health information they hold.[4] The appropriate level of security required will depend on various factors including the nature of the information and the medium in which it is stored.[5] A discussion of some relevant measures can be found in the Office of the Australian Information Commissioner's Guide to securing personal information.

The Privacy Commissioner encourages health service providers to adopt the principles of Privacy by design in their approach to record-keeping, including consideration of appropriate security measures throughout the 'lifecycle' of the health information involved.

[1] Section 25(1) of the HRIP Act
[2] Section 25(1)(a) of the HRIP Act
[3] Section 25(1)(b) of the HRIP Act
[4] Schedule 1 clause 5(1)(c) of the HRIP Act (HPP 5)
[5] *EIG v North Sydney Council* [2021] NSWCATAD 66

What happens after health information is deleted?

A health service provider must dispose of the health information securely and in accordance with any requirements for retention and disposal. The health service provider must also keep a record noting the:

- name of the individual whose health information has been deleted
- period covered
- date the health information was deleted or disposed of.[6]

If records are transferred to a new health service provider, what steps must the original provider take?

If you have transferred a patient's records to another health service provider, you must retain a record of the name and address of the other health service provider. You should also keep a record of the patient's name and the date the transfer occurred.[7] Further information about providing access to health information can be found in the IPC's fact sheet.

Are health records allowed to be retained electronically?

Health records are allowed to be kept in an electronic form, but only if it is possible to print the electronic copy on paper.[8] If health records are retained electronically, health service providers must ensure that health information is secured, in accordance with Health Privacy Principle (HPP) 5.

What if a patient wants to obtain their medical records after their health service provider retires or has passed away?

The IPC is unable to locate retired medical providers in order to obtain access to medical records. As such, a patient will need to be able to identify the health service provider and have made a request for access to their medical records before seeking assistance from the IPC.

Are there other record keeping requirements that apply to private health providers?

Private health service providers are encouraged to consider additional obligations regarding retention and secure storage that may be applicable. For example, private health providers may have additional retention and storage obligations under the My Health Records system that is administered by the Australian Digital Health Agency.

For further information about privacy obligations under the *My Health Records Act 2012 (Cth)*, you can contact the Office of the Australian Information Commissioner.

Other useful resources

Other resources that may be useful on this topic include:

- Fact Sheet - Providing access to health information - guidance for health care providers, updated February 2021
- Guide to health privacy | OAIC

For more information

Contact the Information and Privacy Commission NSW (IPC):

Freecall: 1800 472 679
Email: ipcinfo@ipc.nsw.gov.au
Website: www.ipc.nsw.gov.au

NOTE: The information in this fact sheet is to be used as a guide only. Legal advice should be sought in relation to individual circumstances.

[6] Section 25(2) of the HRIP Act
[7] Section 25(3) of the HRIP Act
[8] Section 25(4) of the HRIP Act