



General
Osteopathic
Council

Draft Data Retention Policy

CONSULTATION

Effective from: July 2013

This policy covers information acquired and held by the GOsC for the following functions: Registration, Education and Quality Assurance, Fitness to Practise (FtP) and Protection of Title, and Corporate matters. It mainly relates to personal information held about individuals but includes other information such as Council papers and minutes.

The principles governing this policy are that the GOsC should acquire personal information only for a specified purpose or purposes, and only to the extent that it is needed for that purpose or purposes. Having acquired the data, it should be used only for the purpose(s) for which it was acquired and held for no longer than is necessary.

The schedule below sets out the type of information held by the GOsC and the maximum period for records to be retained. At the end of those periods the information will be securely destroyed. We intend to apply this policy retrospectively to information we already hold.

A. Registration

We hold personal information relating to initial applications for registration and the annual registration renewal process. For initial applications, this will include a completed application form, certificate of recognised qualification, character and health references, and a criminal records bureau check.

	Category	Purpose for which information is needed/comments	Proposal for retention of data
CURRENT REGISTRANTS			
1	Initial registration	Needed for administration throughout the individual's registration	As long as registration continues

2	Annual renewal, including CPD submissions	Includes financial information which the GOsC is required to keep for seven years	Seven years
POTENTIAL REGISTRANTS			
3	Unsuccessful applications for registration	Information needed if the applicant reapplies or for 'protection of title' ¹ purposes	10 years after the last unsuccessful application
4	a) Incomplete applications b) Incomplete 'new powers' ² applications	Registration is pending	a) Three years b) Indefinitely (because they cannot reapply under the 'new powers')
5	Students (who may have graduated but not registered)	Applies principally to students in their final year who start to provide information in anticipation of registering after qualifying. (Once such applicants are registered, this information will form part of their registration records.)	Three years
FORMER REGISTRANTS			
6	Individuals removed from the Register for reasons not related to fitness to practise matters (eg resignation or removal for non-payment of fees, etc)	Information needed if the individual applies for restoration and for protection of title purpose	10 years after the removal
7	Retired registrants	To be kept for general administration after retirement. Skeleton record for provision of information to those needing to make contact with registrant	One year for complete registration records. Eight years for skeleton information on database: name, address, gender and period of registration

¹ The title 'osteopath' is protected by law. It is against the law for anyone to call themselves an osteopath unless they are registered with the GOsC.

² The 'new powers' are those introduced in 2009 in Section 3(6A) of the Osteopaths Act.

6	Deceased registrants	General administration after death. Skeleton information for provision of information to those needing to make contact with registrant's estate	One year for registration records. Eight years for skeleton information on database: name, address, gender and period of registration
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B. Education and Quality Assurance

We acquire and retain information relating to the provision and quality assurance of osteopathic education. Information about osteopathic schools is generally not 'personal data' (ie does not relate to individuals).

	Category	Comments	Recommendation for retention of data
1	Data submitted by and relating to Osteopathic Educational Institutions (OEIs)	The length of a normal accreditation cycle is between three and five years. Seven years allows sufficient time for information from a previous cycle to be fed into a subsequent review.	Seven years
2	Student feedback and complaints	Feedback that may be relevant for accreditation of courses.	Seven years
3	Privy Council orders	It is important that we keep a record of when qualifications become 'recognised' so that we are aware of which qualifications entitle the applicant to apply for registration and which do not. This is information that only we would hold.	Indefinitely
4	Recognised Qualification (RQ) reports	These reports become redundant once a new Recognised Qualification is put in place (typically every three to five years), but seven years allows a margin for general administration.	Seven years

5	Applications for unaccredited OEIs	Information obtained in this process may be relevant for future applications	Seven years
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C. Fitness to practise (FtP) and 'protection of title'

In the area of fitness to practise particularly, we need to balance our duty to protect the public on the one hand with the rights of the registrant on the other. This means that the FtP committees need to have all relevant information when considering complaints against osteopaths, but the length of time for which information is retained should nevertheless be proportionate.

Cases can come to an end at different stages along the FtP process. The information acquired and decisions reached at those different stages may become relevant if a registrant is the subject of a new complaint. The relevant legislation, particularly rules governing the functioning of the Investigating Committee (IC)³, allows for this. We have also included in the table below a recommendation for information acquired during our 'protection of title' proceedings.

In respect of registrants whose cases have been closed at Screener or IC stage and who have previously been informed that information about them will be kept, with no period of time specified, we will need to ensure through individual letters or through the magazine and website, that they are informed of the change in policy.

We have also included in the table below a recommendation for information acquired during our 'protection of title' proceedings.

	Category	Comments	Recommendation for retention of data
Fitness to Practise			
1	Informal complaints (ie where patients or others inform us of a concern but are not ready or willing at that time to make a formal complaint)	Information gathered from informal complaints can prove to be important even if the complaint is not formalised at the time. This is because complainants who may be unwilling to make a formal complaint	10 years, with the clock being reset on receipt of any fresh concern

³ Rules 4 and 24 of the General Osteopathic Council (Investigation of Complaints) (Procedure) Rules 1999. When a complaint is made and if we have jurisdiction to deal with it ('screened in') it is investigated and considered by the IC. If the IC finds there is a 'case to answer' the complaint is referred to the Professional Conduct Committee or the Health Committee. If there is no case to answer, the case is closed.

		<p>sometimes say that if others come forward with similar complaints they would be prepared to give witness statements or make their own complaints. In turn, FtP panels may find it easier to get a clearer picture of a registrant's fitness to practise if they are aware of more than one complaint against him or her.</p> <p>Balanced against those reasons for keeping information about informal complaints for as long as possible, is the fact that memories fade, and so evidence from several years ago may become less valuable, putting into doubt the purpose for which the information is held. The recommendation made in relation to informal complaints seeks to find the right balance.</p> <p>NB there is no time bar on bringing a complaint.</p>	
2	Formal complaint made but screened out	Rare, but since a screened out case is by definition one in which the GOsC has no interest, the length of time for which information in this category should be retained must be reduced. However a number of complaints against a registrant within a short period of time may be indicative of other problems	Three years
3	Formal complaint, screened in and considered by IC, but no case to answer found	Similar arguments apply, though the reason for non referral by the IC may be the quality of evidence.	Up to five years on a sliding scale, with the IC determining the appropriate period on a case by case basis

		Again, a number of complaints against the same registrant within a short period of time may indicate wider problems.	taking into account factors in the case
4	Complaint referred to Professional Conduct Committee (PCC) or Health Committee	Complaints heard by the PCC are in the public domain, while in health cases only the outcome is a matter of public record.	Anything in the public domain should be held indefinitely (eg, transcripts in PCC cases, determinations) Unproved cases: underlying information to be held for three years or up to age 18 where a child is involved. Proved cases: underlying information to be held until death of registrant.
5	Medical records belonging to patients	These are considered to be among the most sensitive types of data.	Patients will be offered the records at the conclusion of the case; if they are not wanted, they should be destroyed immediately.
Protection of title			
6	'Protection of title' investigations	A cease and desist letter may stop the offending in the short term but we need to keep records to check for reoffending	10 years
7	'Protection of title' prosecutions	Such prosecutions are a matter of public record, but likely to be sufficient to keep all the documents associated with the court case (ie no need to keep drafts)	Indefinitely

D. Corporate matters

Some of the records held in relation to the functioning of our organisation will contain personal data, but not all.

In relation to the documents described in categories 5 and 6 in the table below, we propose also that after the seven years (or whatever appropriate period is agreed) for which they are held by the GOsC, they are transferred to the National Osteopathic Archive; with the caveat that documents containing personal information should not be transferred but be destroyed at that point.

	Category	Comments	Recommendation for retention of data
Corporate matters			
1	Council and committee agendas, papers and minutes, including Annual Reports	Much of the information will be in the public domain. Unlikely to contain personal data and information should be kept for historical and current purposes	Indefinitely
2	Drafts of documents in 1 above		To be destroyed/deleted following meeting for which they were prepared.
3	Non FtP complaints, responses and correspondence –	The DH has published guidelines on this	Six years
4	Correspondence with registrants	This is stored on the registrant's entry on the GOsC database	As long as registration records held
5	Other correspondence	For general administration purposes	Seven years
6	Corporate documents (where not maintained as part of Council papers)	Including for example responses to consultations	Seven years