

A thick blue horizontal bar with a slight upward curve in the center, spanning the width of the page.

**Dental records retention periods at the
NHSBSA**

Introduction

The NHSX draft [Records Management Code of Practice](#) was published for consultation in December 2020, which prompted the NHSBSA to review its retention schedule for dental records to ensure the schedule was aligned with our purposes and powers. This review related only to FP17 data that the NHSBSA is the Controller for. All records held by the BSA as a Processor continue to hold their own retention periods as per the Controller's instruction.

As a Controller of the FP17 data, the NHSBSA has an obligation to ensure that:

- We do not keep personal data for longer than we actually need it
- We reduce the risk of data becoming irrelevant or excessive by erasing or anonymised it when we no longer need it
- Our lawful basis for retaining the data remains stable, which becomes a risk if personal data is held for too long
- Retention periods are set based on our purposes for processing

As stated in our privacy notice, our purposes for processing identifiable dental data are to:

- pay the dental practice
- secure effective and efficient delivery of NHS services
- analyse with other patients' information to understand patterns and trends that will be used to plan and make improvements to NHS services and direct patient care
- check for fraud and errors
- survey NHS dentistry experience

We considered the draft Code of Practice alongside ICO guidance on the storage of personal data, which states that relying on industry guidelines is not enough to guarantee compliance with obligations under the UK GDPR.

Proposal

The outcome of this review, based on the guidance mentioned above and the experience of the team who have been in the role for many years, is a recommendation to move the retention of patient identifiable dental records from 10 years to 8 years. Information concerning contract management and financial transactions will continue to be held for 6 years plus the financial year it was collected in, and the practice record form will be kept for 2 years. We consider this adequate for the use cases below:

- **Counter Fraud**

- We believe that any allegations of fraud or improper practice will come to light within 8 years following treatment. Any allegations that come to light close to the 8 year retention period would trigger a pause in the retention clock until any investigations were complete and remedies explored.

- **Patient complaints**

- As above, we believe that any patient complaints would be expressed within 8 years following completed treatment. Clinicians will continue to hold identifiable records for 15 years if any complaints are received outside of the 8 year retention, meaning complaints can still be followed through.

- **Contract management disputes**

- Again as above, we believe any contract management or clawback disputes would come to light and be resolved within 8 years

- **Stakeholder requests for data**

- Upon review of the requests the NHSBSA has received for access to dental data in the last 12 months, we found that none required identifiable data going back any further than 8 years, therefore signalling that data older than this may be of limited value.

Timelines

We propose that the move to an 8 year retention period is enforced from April 2022, to allow for the business to plan any resource required to support this work and to allow any interested parties to make requests for data covering the current retention period of 10 years.