Practice Guidelines for action on old records for Private Practitioners.

Background.

Some years ago when I ceased active involvement as a counsellor I started to wonder what to do with the filing cabinets of old client files (ACC, Family Court, CYFs and other private work including supervision notes). I contacted our association (ANZASW) and members of NZAC to see if there were any guidelines and found there were none.

My action at that time was to purge all files and retain

1. Referral information
2. Copies of any official reports written regarding the work I had undertaken
3. The start and finish dates of seeing clients.

I chose to retain this information as over the 20+ years there were occasions when previous clients did make contact regarding the work that we had done and this gave me some material to discuss with them. I acknowledge that this was however a rare event.

About 5 years ago (around 2005/6) I was approached by ACC who said that a client of theirs had given approval for them to gather client notes from having seen their counsellor some 9 years prior to that. I advised that I had purged the files about a year before as outlined above. This then meant that the only records I would have were ones that had already been sent to ACC and they could access these from their records. I was advised by the client officer that all these records had been disposed of and could I forward the records I had. This led me to the question how had they known I had seen the man. They did say that they had records of payments to me for the work over the period in question. The irony of this to me is that financial records were retained but not case records. With written permission of the man the records were duly sent but it left me wondering why would/should I keep such records if the organisation the report was provided for did not see the value in retaining them.

I am again downsizing my office and have further purged records with these thoughts in mind.

My decision, in the light of there being no other guidelines, has been as follows.

1. To have all files that I have not worked on over the previous 2 years taken to a document destruction firm.
2. To record on my computer everyone I have seen over the 25years.
    a. Name
    b. Reason for referral
    c. Dates seen – beginning and end dates.
3. When work is completed for a client purge the file at around the 6 month period (I do this twice per year) and keep only referral information and the duration of seeing them.
4. Keep notes only in current files that are active in a locked filing cabinet
5. Ensuring my computer records are password protected

I am also considering

1. Letting clients know what will happen with the file information and let them take the file if they want to (for me this is now only supervision and notes are based on agenda items and agreed actions at end of sessions).
2. What action I need to take for active clients should I cease practice suddenly (accident/death etc) so that decisions about paper records and computer records are able to be managed by my estate without family members feeling the need to make decisions it would unfair of them to have to make.

There had been other considerations regarding ethical practice.

1. Who did the records belong to?
    a. The answer was of course the client but the way I had recorded notes over the years, while they would guide me in talking through issues with clients, were unlikely to be useful to clients even if appropriate some years after the work had been complete – even if I had been able to contact them.
2. What was the purpose of the records?
    a. These were my working notes and thoughts while engaged with clients and were not always in a format that would have been clear to the client. They were however always written with the knowledge that a client would read and discuss the contents/meaning with me.
3. Did I even need to retain the computer records of who I had seen?
    a. I was not clear on the need to do this and others I spoke to thought this was unnecessary. I did feel however that being able to verify that I had seen someone at a latter period was a responsible action that may assist some who latter chose to reflect on actions they had taken during difficult times of their lives. On the few occasions this has been sought it has always been meaningful.

This is a developing set of guidelines that may assist others in actions around old records. Any feedback on what I have written would be helpful. To provide feedback on the private practice forum would be good as others can also see comments.