

In South Africa, the rules around retaining patient files after a healthcare practitioner (such as a GP) has died or their practice closes fall under guidelines from the Health Professions Council of South Africa (HPCSA) and the Protection of Personal Information Act 4 of 2013 (POPIA). Here is a summary of what applies and what the family or executor should consider.

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### What the regulations say about retention of patient records

- The HPCSA states that patient health records should ideally be retained indefinitely, especially if stored electronically. If indefinite retention is not practical, the minimum retention is at least **six years from the date the record becomes dormant** (i.e., when the patient last obtained professional services).
  - For minors (under 18 when treated), records must be kept until the minor's **21st birthday**, as the law allows a claim up to three years after reaching adulthood.
  - For mentally incompetent patients, records should be kept for the **duration of the patient's lifetime**.
  - For occupational diseases or conditions with long latency, records may need to be kept for **20–25 years** under the Occupational Health and Safety Act.
  - Under POPIA, personal health information must not be retained longer than necessary unless required by law or for a legitimate purpose.
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### When the GP has died or the practice is closed

- Patient files are the responsibility of the practice or practitioner, not the patients themselves.
  - If a practitioner dies, the **executor or legal successor** must ensure that the records are securely stored or transferred, that confidentiality is maintained, and that patients can access their records if requested.
  - The HPCSA guidelines specify that if a practice is closed, the records should be kept in safekeeping for at least **12 months** by another identified healthcare practitioner or institution with full authority to manage the files.
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### What the family or executor should do

- The family or executor should not destroy patient files without confirming that all legal retention periods have elapsed.
  - They should determine who legally holds responsibility for the records (the estate, a practice partner, or a successor) and ensure secure storage or transfer.
  - Patient confidentiality must be maintained, and destruction—when appropriate—should be done securely and documented.
  - Patients should be informed how and where they can access their records, and how long those records will be available.
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### Practical summary

- Keep **adult patient records** for at least six years after last service.
- Keep **records of minors** until they reach 21 years of age.
- Following a doctor's death, the executor or family should retain records securely for at least 12 months before any major decisions about disposal or transfer are made.