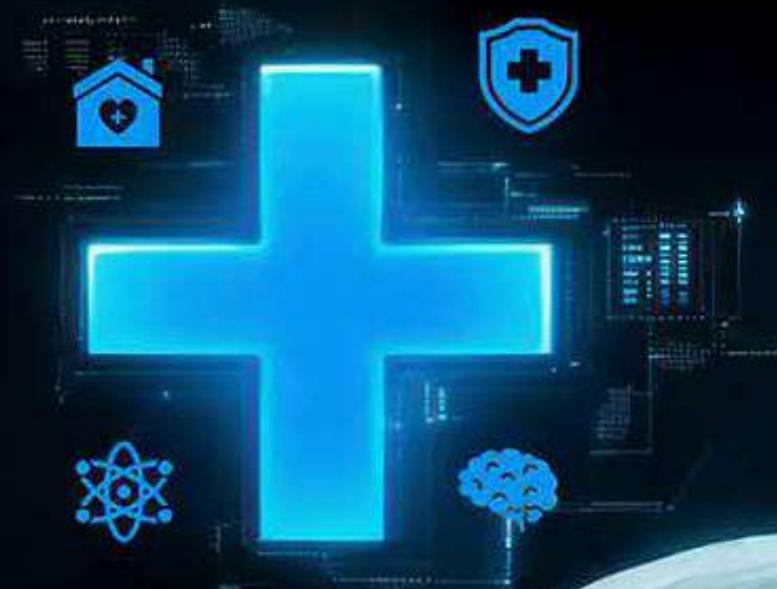


Health Data Retention

A DEEP DIVE COMPARISON



MONTHLY | VOLUME 015, OCTOBER 2025



EXECUTIVE SUMMARY

Our Prime Minister Shri Narendra Modi said "The next decade of **Digital India** will be more transformative". Our lives are now governed by a variety of digital intervention. Access to basic amenities like Food, education, medicines, clothing and home has led to generation of quantums of data managed by various business sectors of the country.

Business owners are responsible to secure data at every stage of Data processing activities. While doing so, specific datasets are stored and maintained for a specific period in digital format and governed by Legal, regulatory and organizational requirement. This practice of storing and maintaining data for specific period is defined as **Data retention**.



INTRODUCTION

It is important to understand the Data retention requirements for different types of data shared and processed.

Data retention policies are maintained by organisations that defines the data type, format, duration and deletion mechanism. This ensures that data related to a specific individual is available for longer period and can be accessed as per the individual and organization's requirement.

Data retention offers several advantages.

- Legal & regulatory compliance
- Trends analysis and Business insights.
- Recovery from Data losses or system failures
- Improved customer service through Access to historical data.

In this newsletter we have made attempt to compare and understand data retention requirement of various geographies with reference to patient health data.



COMPARATIVE STUDY OF HEALTH DATA RETENTION ACROSS GEOGRAPHIES

	UK	US	Australia	China
Inpatient (Hospitals)	8 years from the date of last entry, Retain until the patient's 25 th birthday or 26 th if young person was 17 at conclusion of treatment	10 years after last discharge from Hospital	10 years from the date of last discharge from Hospital	30 years since the last time patient discharged from Hospital
Outpatient (Hospitals)	8 years from the date of last entry, Retain until the patient's 25 th birthday or 26 th if young person was 17 at conclusion of treatment	10 years after last discharge	7 years after the last visit or until the 25 th Birthday	15 years from last time patient seek consultation



HEALTH DATA RETENTION INDIAN HEALTHCARE REGULATIONS

Though there are no defined regulations governing retention of medical records, here are few Indian healthcare regulations that mandate retention of patient records, prescriptions and medical histories to ensure continuity of care and legal compliance.

Healthcare regulations	Governing Authority	Retention period	Data to be retained	Applicability
Electronic Health records standards Version 2016	Ministry of Health & Family Welfare	Lifetime of patient	Lifetime of patient	Medical Doctor or Healthcare institution
New Drugs and Clinical Trials Rules 2019	Ministry of Health & Family Welfare	5 years after study completion or two years after expiration date of batch of new drug product whichever is later	Clinical study data	Clinical Trial sponsor (pharma companies)
New Drugs and Clinical Trials Rules 2019	Ministry of Health & Family Welfare	3 years after study completion or two years after expiration date of batch of new drug product whichever is later	Clinical study data	Clinical Trial study centre (Clinics, Hospitals)
Consultation Paper on Proposed Health Data Retention Policy	National Health authority	10 -15 years	Inpatient records	Healthcare institutions
		3 - 5 years	Outpatient records (including emergency)	Healthcare institutions
		~3 years	Deceased Patients	Healthcare institutions



HEALTH DATA RETENTION UNDER INDIAN DPDP ACT 2023

Under the **Digital Personal Data Protection (DPDP) Act, 2023**, India does **not prescribe a fixed retention period** for *health data* or any other category of personal data. Instead, it establishes **principles and obligations** for data retention and deletion that apply to all kinds of personal data, including sensitive categories such as health information.

Here's a detailed breakdown of **Data Retention Guidelines** as per the **DPDP Act, 2023**, specifically in the context of **health data**



01 Purpose-Based Retention

As per **Section 8(7)** of the DPDP Act,

“ Data Fiduciary shall not retain any personal data beyond the period necessary to satisfy the purpose for which it is processed. ”

Health data Implications:

Health records should only be retained as long as necessary to fulfill the healthcare, treatment, insurance, or regulatory purpose for which the data was collected.

Once the treatment or the required retention period (for example, under medical record regulations) is over, the data should be securely deleted or anonymized.

The same section mandates that:



“ Such personal data shall be erased in a manner as may be prescribed when the purpose is no longer being served or when retention is not necessary for legal obligations. ”

Additionally As per Section 8 Draft DPDP Rules

Data Fiduciary shall inform the Data Principal at least forty-eight hours before completion of the time period for erasure of personal data under this rule that such personal data shall be erased upon completion of such period.

This means that a hospital, clinic, insurer, or health-tech app must delete or anonymize health data:

- When the patient stops using the service,
- When regulatory or contractual obligations expire, or
- When the individual withdraws consent (unless law requires continued retention).

While DPDP provides a principle-based framework, sectoral laws can impose specific retention periods. For example:



Regulatory Authority	Data Type	Minimum Retention Period
National Medical Commission (NMC)	Inpatient records	3 years from date of discharge
Clinical Establishments Act (varies by state)	Medical records	3-10 years depending on rules
Insurance Regulatory and Development Authority of India (IRDAI)	Health insurance claim records	7 years
Income Tax/Accounting Laws	Billing and payment records	8 years

These sectoral requirements override general DPDP erasure obligations



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Right to Erasure (Section 12)



Data principals (patients) can request erasure of their personal data **once it's no longer needed** for the purpose for which it was collected.

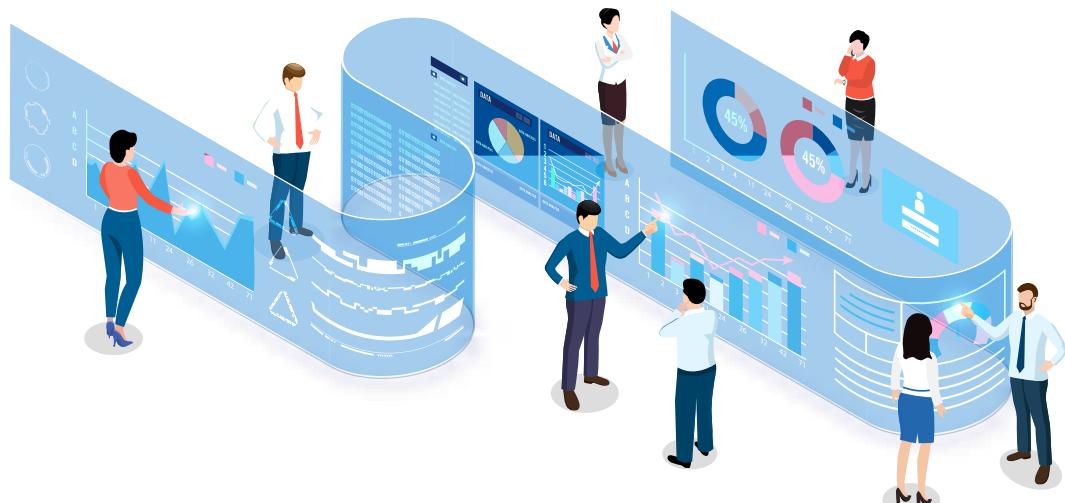
However, this right is **subject to legal retention obligations** - for example, a hospital can refuse deletion if the record must be retained under NMC or IRDAI rules.

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Best Practices for Health Data Retention under DPDP

Organizations processing health data (hospitals, insurers, health apps) should:

- Maintain a data retention policy clearly stating retention timelines by data type.
- Periodically review and purge outdated records.
- Maintain audit trails of data deletion/anonymization.
- Align retention with sectoral & legal compliance (NMC, IRDAI, IT Act, etc.).
- Use anonymization or aggregation where possible to retain insights without personal identifiers.





AlphaMD has launched a unique comprehensive DPDP assessment framework ORCHA INDIA Data Protection Mark (OIDPM) that guides and monitors Data fiduciaries digital health platforms in their abilities to notify and inform Data principals about adherence to retention period as specified by the privacy laws. Our expertise empowers organisations worldwide to build trust with their stakeholders while safeguarding personal data .



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