

Record Retention Schedule (employment)

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Introduction

This Record retention schedule accompanies and is incorporated into [insert organisation's name]'s Record management policy. It sets out the time periods that different types of (employment-related) business records must be retained for business and legal purposes. This is a relatively lengthy document listing the many types of employment-related records used by [insert organisation's name] and the applicable retention periods for each record type.

The retention periods are based on business needs and legal requirements. If you maintain any types of records that are not listed in this Schedule, and it is not clear from the existing record types in this Schedule what retention period should apply, please contact [the data protection officer OR [insert job title or department]] for guidance.

Any deviation from the retention periods in this Schedule must be approved in advance by [insert, eg a company lawyer].

1 Employment records

1.1 Personnel records

Record	Recommended retention period	Storage format	Reference
Rejected job applicant records, including: contact details application letters or forms CVs references certificates of good conduct interview notes assessment and psychological test results	[Six months after applicant is notified of rejection OR [Insert longer period if there is a clearly communicated policy to keep candidates' CVs for future reference]] <i>Application forms should give applicants the opportunity to object to their details being retained</i>	Paper or electronic	ICO Employment Practices Code para 1.7 Equality Act 2010, s 123

Record	Recommended retention period	Storage format	Reference
Application records of successful candidates, including: - application letters or forms - copies of academic and other training received - references - correspondence concerning employment - CVs - interview notes and evaluation forms - assessment and psychological test papers and results	Seven years after employment ceases	Paper or electronic	Limitation Act 1980 (LA 1980), s 5
Criminal records information: - criminal records requirement assessments for a particular post - criminal records information forms - the Disclosure and Barring Service (DBS) check forms - DBS certificates	Criminal records requirement assessments for a particular post—12 months after the assessment was last used All other information in this category—as soon as practicable after the check has been completed and the outcome recorded (ie whether satisfactory or not) unless, in exceptional circumstances, [the data protection officer OR <i>[insert job title or department]</i>] assesses that it is clearly relevant to the ongoing employment relationship [<i>text, eg to allow for consideration and resolution of any disputes or complaints</i>] in which case, six months	Paper or electronic	DBS guidance for employers: Duration of criminal record check validity ICO Employment Practices Code Nov 2011, part 1.7.4

Record	Recommended retention period	Storage format	Reference
	If [the data protection officer OR <i>[insert job title or department]</i>] considers it necessary to keep the information for longer than six months, the DBS should be consulted		
Employment contracts, including: personnel and training records written particulars of employment changes to terms and conditions	Seven years after employment ceases, unless document executed as a deed, in which case 13 years after employment ceases	Paper or electronic	LA 1980, ss 5, 8
Directors' service contracts and any variations	Seven years from termination or expiry of the contract, unless executed as a deed, in which case 13 years from termination or expiry	Paper or electronic	LA 1980, ss 5, 8 Companies Act 2006, ss 227 and 228
Copies of identification documents (eg passports)	Not less than two years from date of termination of employment	Paper or electronic	Immigration (Restrictions on Employment) Order SI 2007/3290, Art 6(1)(b)
Identification documents of foreign nationals (including right to work)	Not less than two years from date of termination of employment	Paper or electronic	Immigration (Restrictions on Employment) Order SI 2007/3290, art 6(1)(b)
Records concerning a temporary worker	Seven years after employment ceases	Paper or electronic	LA 1980, s 5
Employee performance records, including: probationary period reviews	Seven years after employment ceases [[For organisations subject to the SM&CR and SIMR only] Information regarding	Paper or electronic	LA 1980, s 5

Record	Recommended retention period	Storage format	Reference
review meeting and assessment interviews appraisals and evaluations promotions and demotions [[For relevant organisations only] all information relevant to an assessment of the individual's fitness and propriety under the Senior Managers and Certification (SM&CR) regime or Senior Insurance Managers regime (SIMR)]	a relevant individual's gross misconduct must be retained indefinitely]		
Records relating to and/or showing compliance with Working Time Regulations 1998 including: registration of work and rest periods working time opt-out forms	Two years from the date on which the record was made	Paper or electronic	Working Time Regulations 1998, SI 1998/1833, reg 9
Redundancy records	Seven years from date of redundancy	Paper or electronic	LA 1980, s 5
Annual leave records	Seven years after the end of each tax year	Paper or electronic	LA 1980, s 5
Parental leave records	Seven years after the end of each tax year	Paper or electronic	LA 1980, s 5
Sickness records	Seven years after the end of each tax year	Paper or electronic	LA 1980, s 5
Records of return to work meetings following sickness, maternity etc	Seven years the end of each tax year	Paper or electronic	LA 1980, s 5
Records relating to Disciplinary procedures and Grievance procedures.	Seven years after employment ceases	Paper or electronic	LA 1980, s 5

1.2 Payroll and salary records

Record	Recommended retention period	Storage format	Reference
Records for the purposes of tax returns including wage or salary records, records of overtime, bonuses and expenses	Seven years	Paper or electronic	Taxes Management Act, 1970 s 12B Finance Act 1998, Schedule 18, para 21
Pay As You Earn (PAYE) records, including: - wage sheets - deductions - working sheets - calculations of the PAYE income of employees and relevant payments to them, the deduction of tax from, or accounting for tax in respect of, such payments - all documents relating to any information which an employer is required to provide to HMRC under Form P11D (benefits in kind)	Three years after the end of the tax year to which they relate	Paper or electronic	Income Tax (Pay As You Earn) Regulations 2003, SI 2003/2682, reg 97
Income tax and NI returns, income tax records and correspondence with HMRC	Three years after the end of the financial year to which they relate	Paper or electronic	Income Tax (Employments) Regulations 1993, SI 1993/744, reg 55
Records demonstrating compliance with national minimum wage requirements, including hours worked	Three years beginning with the day upon which the pay reference period immediately	Paper or electronic	National Minimum Wage Regulations 2015, SI 2015/621, reg 59

Record	Recommended retention period	Storage format	Reference
	following that to which they relate ends		
Details of benefits in kind, income tax records (P45, P60, P58, P48 etc), annual return of taxable pay and tax paid	Six years (but general time limit under the TMA 1970 is reducing to four years from 1 April 2012)	Paper or electronic	Taxes Management Act 1970
Employee income tax and national insurance returns and associated HMRC correspondence	Three years from end of tax year to which they relate	Paper or electronic	Income Tax (Pay as You Earn) Regulations 2003, SI 2003/2682, reg 97
Statutory sick pay (SSP) records	Three years after the end of the tax year to which they relate	Paper or electronic	The requirement to maintain SSP records for three years after the end of the tax year to which they relate was revoked in 2014, but an employer may still be required by HMRC to produce such records as are in his possession or power which contain, or may contain, information relevant to satisfy HMRC that statutory sick pay has been and is being paid. The Statutory Sick Pay (General) Regulations 1982, SI 1982/894, reg 13(A)
Wage or salary records (including overtime, bonuses and expenses)	Seven years	Paper or electronic	Taxes Management Act 1970, s 43
Records relating to hours worked and payments made to workers	Three years	Paper or electronic	National Wage Act 1998, s 9 The National Wage Regulations 1999, reg 38
Statutory maternity, paternity and shared parental pay records, calculations, certificates or other evidence	Three years after the end of the tax year in which the period of statutory pay ends	Paper or electronic	Statutory Maternity Pay (General) Regulations 1986, SI 1986/1960, reg 26

2 Health and safety records

Record	Recommended retention period	Storage format	Reference
Records of reportable injuries, diseases or dangerous occurrences reportable incidents reportable diagnoses injury arising out of accident at work (including [<i>insert organisation's name</i>]'s accident book)	Three years from date of the entry	Paper or electronic	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR 2013), SI 2013/1471, reg 12
Lists or register of employees who have been exposed to asbestos dust, including health records of each employee	40 years from the date of the last entry made in the record	Paper or electronic	Control of Asbestos Regulations 2012, SI 2012/63, reg 22(1)
Medical records and details of biological tests under the Control of Lead at Work Regulations	40 years from the date of the last entry made in the record	Paper or electronic	The Control of Lead at Work Regulations 2002 (CLAW 2002), SI 2002/2676, reg 10
Medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH)	40 years from the date of the last entry made in the record	Paper or electronic	The Control of Substances Hazardous to Health Regulations 2002 (COSHH 2002), SI 2002/2677, reg 11
Records of monitoring of exposures to hazardous substances (where exposure monitoring is required under COSHH)	Where the record is representative of the personal exposures of identifiable employee— 40 years from the date of the last entry made in the record Otherwise, five years from the date of the last entry made in the record	Paper or electronic	COSHH 2002, reg 10(5)

Record	Recommended retention period	Storage format	Reference
Records of tests and examinations of control systems and protective equipment under COSHH	Five years from the date on which the record was made	Paper or electronic	COSHH 2002, reg 9
[Medical records under the Ionising Radiations Regulations 1999]	[Until the person to whom the record relates reaches or would have reached 75 years of age, but in any event for at least 50 years from the date of last entry]	[Paper or electronic]	[Ionising Radiations Regulations 1999, SI 1999/3232, reg 24]