



## HR Record Retention Requirements – Austria

Austria			
DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
<b>EMPLOYMENT RECORDS</b>			
Contracts (new hire agreements, severance, etc.)	Minimum: 7 years	7 years - From end of calendar year when employment ends	Company Law Act (Sec. 190 and 212); Federal Fiscal Code (Sec. 132); General Civil Code (Sec. 1478)
	Maximum: 30 years (if record contains relevant information for employment certificate)	30 years - From end of the employment relationship	
Time records (work hours, rest periods, vacation/sick/holiday, etc.)	Minimum: 7 years	7 years - From end of calendar year when employment ends	Company Law Act (Sec. 190 and 212 UGB); Federal Fiscal Code (Sec. 132); General Civil Code (Sec. 1478)
	Maximum: 30 years (if record contains relevant information for employment certificate)	30 years - From end of the employment relationship	
Performance records (performance reviews, promotions/demotions, licenses/certifications, investigations, disciplinary actions, etc.)	Minimum: N/A; Best practice 3 years in case of employee claims; Retain minimum 7 years if records relate to payroll, social security or other contributions	From due date of possible employee claims	General Civil Code (Sec. 1486)
	Maximum: Only as long as necessary for the purpose		
Data and personnel files	Personnel files: No retention requirement		
	Business-related information: Depending on the content of the data (see above and below)		
	*Note that employees are entitled to employment certificates for thirty years after the end of employment. Therefore, it's advisable to keep relevant documents (job description, details on duration of employment) or a copy of an issued or pre-fabricated employment certificate for 30 years.	N/A	N/A

# UKG HR COMPLIANCE ASSIST

DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
<b>EMPLOYMENT RECORDS (continued)</b>			
Government verification records (work papers, immigration, eligibility to work, etc.)	Minimum: 1 year (general limitation period); many employers retain for 3 years from due date of remuneration (when prosecution for underpayment is time barred)  Maximum: 30 years	From the end of the employment relationship	Austrian Foreign Employment Act; Administrative Criminal Law (Sec. 31, Para. 1); Wage and Social Dumping Act (Sec. 29, Para. 4)
Collective bargaining/union	Usually 7 years (best practice, no minimum or maximum)	From the end of the relevant calendar year	Best practice based on GDPR
Background checks and drug tests	Retain only as long as necessary to complete hiring process	From creation	Best practice based on GDPR
Acknowledgements, policy agreements and required notices	Only retain personal data as long as necessary for purpose	From creation	Best practice based on GDPR
Recruitment (interview notes, resumes/CVs, reference checks, etc.)	Applicants who are not hired: Only retain until conclusion of hiring process. Consider retaining for seven months upon rejection of candidates (when discrimination litigation claims are time-barred).	Applicants who are not hired: From rejection/end of hiring process	Best practice based on GDPR; Equal Treatment Act (Sec. 17, Para. 1, Nr. 1, Sec. 26, Para 1 and Sec. 29, Para. 1);
	Applicants who are hired: Until end of employment relationship and, afterwards according to the retention periods outlined above and below - usually 7 years (Maximum 30 years if record is relevant for employment certificate)	Applicants who are hired: From end of calendar year when employment ends	Company Law Act (Sec. 190 and 212); Federal Fiscal Code (Sec. 132); General Civil Code (Sec. 1478)
Tracking/recordings (biometric, geo-location, online tracking, camera recordings, etc.)	Image and audio/visual recordings are not permitted if the purpose is to monitor workers.		
	Online tracking as well as biometric tracking requires prior consent of the respective employee.	From recording	Austrian Data Protection Act (Sec. 12, Para. 4, Nr. 2 and Sec. 13, Para. 3);
	Usual retention period of camera recordings: 72 hours (generally must be deleted after 74 hours)		Art 6 (1) (a) GDPR

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<b>EMPLOYMENT RECORDS (continued)</b>			
Miscellaneous 1	Records and descriptions relating to audits, investigations or reviews conducted by labour authority or social security authority:  Minimum: 7 years  Maximum only as long as necessary for purpose	From end of calendar year to which records relate	Company Law Act (Sec. 190 and 212); Federal Fiscal Code (Sec. 132);
<b>BENEFIT/PENSION/EQUITY RECORDS</b>			
Benefits (plan documents, enrollment records)	Minimum: 7 years  Maximum: Only as long as necessary for purpose	From end of calendar year to which records relate	Company Law Act (Sec. 190 and 212); Federal Fiscal Code (Sec. 132)
Pension and retirement records	Minimum: 7 years  Maximum: Only as long as necessary for purpose	From end of calendar year to which records relate	Company Law Act (Sec. 190 and 212); Federal Fiscal Code (Sec. 132)
Equity records	Minimum: 7 years  Maximum: Only as long as necessary for purpose	From end of calendar year to which records relate	Company Law Act (Sec. 190 and 212); Federal Fiscal Code (Sec. 132)
<b>PAYROLL/WAGE/TAX RECORDS</b>			
Payroll and wage data (payslips, etc.)	Minimum: 7 years  Maximum: Only as long as necessary for purpose	From end of calendar year to which records relate	Company Law Act (Sec. 190 and 212); Federal Fiscal Code (Sec. 132)
Tax records	Minimum: 7 years  Maximum: Only as long as necessary for purpose	From end of calendar year to which records relate	Company Law Act (Sec. 190 and 212); Federal Fiscal Code (Sec. 132)
<b>MEDICAL/SAFETY/LEAVE RECORDS</b>			
Leave (family, medical, etc.)	Minimum: 5 years for document related to paying social security obligations	From date contributions are due	General Social Security Act (Sec. 68)
Injury and illness incident reports	Records relating to fatal accident or injury resulting in worker being out for 3 or more days: Minimum 5 years	From date of death or injury	Employee Protection Act (Sec. 16)

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<b>MEDICAL/SAFETY/LEAVE RECORDS (continued)</b>			
Medical records	Maximum: As long as absolutely necessary	N/A	Best practice
Hazardous material and other exposure records	Carcinogenic (hazard 3.6 carcinogenicity), mutagenic (hazard class 3.5 - germ cell mutagenicity), reprotoxic (hazard category 3.7 - reproductive toxicity) or group 3 or 4 biological agents exposure and medical records: minimum: until the end of exposure (at which point records are sent to institution of accident insurance which must keep records for minimum of 40 years)	From exposure	Employee Protection Act (Sec. 47)

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