



## HR Record Retention Requirements – Japan

**\*Note:** Some employers choose to retain important documents (e.g. termination documents, wage and hour documents) for 10 years from an employee's termination since the statute of limitation on breach of contract claims is 10 years.

| JAPAN*   |   |                                       |   |
|--|---|---------------------------------------|---|
| DOCUMENTS  | RETENTION PERIOD<br>(minimum and/or maximum)  | BEGINNING OF<br>RETENTION<br>PERIOD   | LEGAL<br>REFERENCE  |
| <b>EMPLOYMENT RECORDS</b>  |   |                                       |   |
| Contracts (new hire agreements, severance, etc.)   | Minimum 3 years from last date of employment or death                                     | From creation of contract             | Article 109 of Labor Standards Act                        |
| Time records (work hours, rest periods, vacation/sick/holiday, etc.)   | Minimum 3 years from date of last entry (per record) and last date of employment or death | From paydate for relevant wage period | Article 109 of Labor Standards Act                        |
| Performance records (performance reviews, promotions/demotions, licenses/certifications, investigations, disciplinary actions, etc.) | Minimum 3 years from last date of employment or death                                     | From creation of record               | Article 109 of Labor Standards Act                        |
| Data and personnel files   | Minimum 3 years from last date of employment or death                                     | From creation of record               | Article 109 of Labor Standards Act                        |
| Government verification records (work papers, immigration, eligibility to work, etc.)  | Not specified by law. Best practice minimum 3 years from last date of employment or death | Date of completion of the process     | Best practice based on Article 109 of Labor Standards Act |
| Collective bargaining/union  | Minimum 3 years from last date of employment or death                                     | Date of completion of the process     | Article 109 of Labor Standards Act                        |
| Background checks and drug tests   | Not specified by law. Best practice minimum 3 years from last date of employment or death | Date of completion of the process     | Best practice based on Article 109 of Labor Standards Act |

# UKG HR COMPLIANCE ASSIST

| DOCUMENTS   | RETENTION PERIOD<br>(minimum and/or maximum)  | BEGINNING OF<br>RETENTION<br>PERIOD                            | LEGAL<br>REFERENCE  |
|---|---|--|---|
| <b>EMPLOYMENT RECORDS (continued)</b>   |   |  |   |
| Acknowledgements, policy agreements and required notices                                | Not specified by law. Best practice minimum 3 years from last date of employment or death   | Date of completion of the process                              | Best practice based on Article 109 of Labor Standards Act |
| Recruitment (interview notes, resumes/CVs, reference checks, etc.)                      | Minimum 3 years from last date of employment or death if hired. If never employed, there are no specific recordkeeping requirements | From creation of record  | Article 109 of Labor Standards Act                        |
| Tracking/recordings (biometric, geo-location, online tracking, camera recordings, etc.) | Not specified by law. Best practice minimum 3 years from last date of employment or death   | Date of completion of the process                              | Best practice based on Article 109 of Labor Standards Act |
| Miscellaneous 1   | Retirement, resignation and dismissal records: Minimum 3 years from last date of employment or death                                | Date of separation or death                                    | Article 109 of Labor Standards Act                        |
| Miscellaneous 2   | Employee List: Minimum 3 years  | From employee termination                                      | Article 109, 107 of Labor Standards Act                   |
| Miscellaneous 3   | Wage Book: 3 years  | From last entry  | Article 109, 108 of Labor Standards Act                   |
| Miscellaneous 4   | List to Manage Temporary Workers (if receive temp. workers from staffing agency): 3 years   | From end of day received work from applicable temporary worker | Article 42 of Worker Dispatch Act                         |

# UKG HR COMPLIANCE ASSIST

| DOCUMENTS                                     | RETENTION PERIOD<br>(minimum and/or maximum)   | BEGINNING OF<br>RETENTION<br>PERIOD        | LEGAL<br>REFERENCE  |
|---|--|--|---|
| <b>BENEFIT/PENSION/EQUITY RECORDS</b>         |  |  |   |
| Benefits (plan documents, enrollment records) | Employment health insurance records - minimum 2 years from end of employment or death;   | From creation of record                    | Article 34 of the Ordinance for Enforcement of Health Insurance Act;                              |
|   | Employment insurance records - minimum 2 years (4 years from end of event for records concerning those insured, ex. claim forms; 3 years ) from end of event for documents related to the payment of premiums) |  | Article 143 of the Ordinance for Enforcement of Employment Insurance Act;                         |
|   |  |  | Article 72 of Ordinance for Enforcement of Collecting of Premiums of Employment Related Insurance |
| Pension and retirement records                | Minimum 2 years from end of employment or death  | Date of completion of the process          | Article 28 of Ordinance for Enforcement of Welfare Pension Insurance Act                          |
| Equity records                                | Not specified by law. Best practice minimum 3 years from last date of employment or death  | Date of completion of the process          | Best practice based on Article 109 of Labor Standards Act   |
| <b>PAYROLL/WAGE/TAX RECORDS</b>               |  |  |   |
| Payroll and wage data (payslips, etc.)        | Minimum 3 years from end of employment or death  | From creation of record                    | Article 109 of Labor Standards Act  |
| Tax records                                   | Minimum 7 years  | From statutory due date for the tax filing | Article 70.4 of Act on General Rules for National Taxes   |

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|---|---|-------------------------------------|--|
| <b>MEDICAL/SAFETY/LEAVE RECORDS</b>           |   |                                     |  |
| Leave (family, medical, etc.)                 | Minimum 3 years from end of employment or death                                   | From creation of record             | Article 109 of Labor Standards Act   |
| Injury and illness incident reports           | Accident compensation records minimum 3 years from the completion of compensation | From creation of record             | Article 109 of Labor Standards Act   |
| Medical records                               | Statutory checkups - Minimum 5 years - from day of each health checkup;           | From creation of record             | Article 43, 44, 51 of Ordinance for Enforcement of Industrial Safety and Health Act;       |
|   | Documents to Certify disability of employee - 3 years from employee's termination |                                     | Article 45 of Ordinance of Enforcement of Enhancement of Employment for Disabled Employees |
| Hazardous material and other exposure records | Accident compensation records minimum 3 years from the completion of compensation | From creation of record             | Article 109 of Labor Standards Act   |
| Miscellaneous 1                               | Important Minutes of Safety and Health Committee: 3 years                         | From creation of record             | Article 23 of Ordinance of Industrial Safety and Health Act                                |

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