



HR Record Retention Requirements – Malaysia

In Malaysia, as a general best practice, employers **often keep records one year longer than the official retention period** in case a claim is made at the end of a relevant period. In cases where there is a claim, the related records are retained until the claim is resolved.

Malaysia			
DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
EMPLOYMENT RECORDS			
Contracts (new hire agreements, severance, etc.)	Minimum 6 years (12 years if there's a judgment)	From end of contract	Limitation Act 1953 (Part II, 6)
Time records (work hours, rest periods, vacation/sick/holiday, etc.)	Roster of work/rest schedule: Minimum 6 years; General time records: Minimum 6 years	Roster of work/rest schedule: From last day of the month to which record relates; General time records: From recording	Employment Act 1955 (Part XII, 59 (3) and Part XIII 61 (2)); Employment Regulations 1957; Employees Provident Fund Act 1991 (Part 5, 42 (2))
Performance records (performance reviews, promotions/demotions, licenses/certifications, investigations, disciplinary actions, etc.)	Minimum 6 years (If a judgment has been obtained, documents should be retained for up to 12 years, until time period for successful part to enforce judgment expires)	From end of employment	Limitation Act 1953 (Part II, 6)
Data and personnel files	Employer register and other personnel records: Minimum 6 years (12 years if there's a judgment)	From end of employment	Limitation Act 1953 (Part II, 6); Employment Regulations 1957; Employment Act 1955 (Part XIII 61 (2))

UKG HR COMPLIANCE ASSIST

DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
EMPLOYMENT RECORDS (continued)			
Government verification records (work papers, immigration, eligibility to work, etc.)	Records relating to employee register (ex., National Registration Identification Card Number, employment permit or Immigration Work Pass number): Minimum 6 years	From end of employment	Employment Regulations 1957; Employment Act 1955 (Part XIII 61 (2))
Collective bargaining/union	Minimum 6 years	From date of creation (union recognition information) or last date of applicability (collective agreements)	Limitation Act 1953 (Part II, 6)
Background checks and drug tests	Minimum 6 years (12 years if there's a judgment)	From end of employment	Limitation Act 1953 (Part II, 6)
Acknowledgements, policy agreements and required notices	Minimum 6 years (12 years if there's a judgment)	From end of employment	Limitation Act 1953 (Part II, 6)
Recruitment (interview notes, resumes/CVs, reference checks, etc.)	Hired employees: Minimum 6 years (12 years if there's a judgment) for employees; Applicants not hired: No specific requirement. Employer should be guided by data protection laws.	Hired employees: From end of employment; Applicants not hired: N/A	Limitation Act 1953 (Part II, 6)
Tracking/recordings (biometric, geo-location, online tracking, camera recordings, etc.)	Minimum 6 years (12 years if there's a judgment)	From end of employment	Limitation Act 1953 (Part II, 6)

UKG HR COMPLIANCE ASSIST

DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
BENEFIT/PENSION/EQUITY RECORDS			
Benefits (plan documents, enrollment records)	Employer register and other personnel records: Minimum 6 years (12 years if there's a judgment)	From end of employment	Limitation Act 1953 (Part II, 6); Employment Regulations 1957; Employment Act 1955 (Part XIII 61 (2))
Pension and retirement records	Employer register and other personnel records: Minimum 6 years (12 years if there's a judgment)	From end of employment	Limitation Act 1953 (Part II, 6); Employment Regulations 1957; Employment Act 1955 (Part XIII 61 (2))
Equity records	Employer register and other personnel records: Minimum 6 years (12 years if there's a judgment)	From end of employment	Limitation Act 1953 (Part II, 6); Employment Regulations 1957; Employment Act 1955 (Part XIII 61 (2))
PAYROLL/WAGE/TAX RECORDS			
Payroll and wage data (payslips, etc.)	Documents containing information on employees and wages (required under the Pembangunan Sumber Manusia Berhad Act): Minimum 6 years	From creation of record	Pembangunan Sumber Manusia Berhad Act 2001
Tax records	Minimum 7 years	From end of year to which income relates	Income Tax Act 1967 (Part V, 82)
Miscellaneous 1	Register to be kept under Employees' Provident Fund Act (includes employee details, contribution records, payroll and wage data): Minimum 6 years	From last date of entry in register	Employees Provident Fund Act 1991 (Part 5, 42 (2))

UKG HR COMPLIANCE ASSIST

DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
PAYROLL/WAGE/TAX RECORDS (continued)			
Miscellaneous 2	Registers required under Employees' Social Security Act & Employee Insurance System (includes employee details, contributions, all records of contribution payments and wages): Minimum 7 years	From last date of entry in register	Employees' Social Security (General) Regulations 1971 (Part II, 34); Employment Insurance System (Registration and Contribution) Regulations 2017 (Reg 8)
MEDICAL/SAFETY/LEAVE RECORDS			
Leave (family, medical, etc.)	General: Minimum 6 years (12 years if there's a judgment); Register of maternity leave and allowance: Minimum 6 years	From end of leave/creation of record	Limitation Act 1953 (Part II, 6); Employment Regulations 1957; Employment Act 1955 (Part IX 44, and Part XIII 61)
Injury and illness incident reports	General: Minimum 5 years; Report of accident or occupational disease given to Social Security Office: Minimum 5 years	From date of creation of form/report/record	Employees' Social Security (General) Regulations 1971 (Part III, 71 and 71A); Occupational Safety and Health (Notification of Accident, Dangerous Occurrence, Occupational Poisoning and Occupational Disease) Regulations 2004 (Reg. 10)

UKG HR COMPLIANCE ASSIST

DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
MEDICAL/SAFETY/LEAVE RECORDS (continued)			
Medical records	Health surveillance records relating to hazardous chemicals: Minimum 30 years	From last date of entry	Occupational Safety and Health (Use and Standards of Exposure of Chemicals Hazardous to Health) Regulations 2000 (Part IX, 27)
Hazardous material and other exposure records	Records of individual's exposure to chemicals hazardous to health (including summary and monitoring records): Minimum 30 years (otherwise minimum 5 years)	From date of creation of record	Occupational Safety and Health (Use and Standards of Exposure of Chemicals Hazardous to Health) Regulations 2000 (Part VII, 26)

Last updated April 2023.

DISCLAIMER: The information contained in this document is for general information purposes only and is not intended to be a source for legal, tax, or any other professional advice and should not be relied upon as such. This information is not intended to create, and the receipt of it by the reader does not constitute, an attorney-client relationship. All legal or tax questions or concerns should be directed to your legal counsel or tax consultant. Laws and regulations may change and UKG Inc. ("UKG") cannot guarantee that all the information in this document is accurate, current or complete. UKG MAKES NO REPRESENTATION OR WARRANTIES WITH RESPECT TO THE ACCURACY OR COMPLETENESS OF THE DOCUMENT OR THE INFORMATION OR CONTENT CONTAINED HEREIN AND SPECIFICALLY DISCLAIMS ALL REPRESENTATIONS AND WARRANTIES INCLUDING BUT NOT LIMITED TO ANY EXPRESS OR IMPLIED WARRANTIES OF MERCHANTABILITY, SUITABILITY, OR COMPLETENESS OF THIS INFORMATION. TO THE EXTENT PERMITTED UNDER APPLICABLE LAW, NEITHER UKG, NOR ITS AGENTS, OFFICERS, EMPLOYEES, SUBSIDIARIES, OR AFFILIATES, ARE LIABLE FOR ANY DIRECT, INDIRECT, INCIDENTAL, SPECIAL, EXEMPLARY, OR CONSEQUENTIAL DAMAGES (INCLUDING PROCUREMENT OF SUBSTITUTE GOODS OR SERVICES, LOSS OF USE OR PROFITS, OR BUSINESS INTERRUPTION), EVEN IF THE UKG HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES, ON ANY THEORY OF LIABILITY, WHETHER IN CONTRACT, STRICT LIABILITY, OR TORT, ARISING IN ANY WAY OUT OF THE USE OF OR INABILITY TO USE THIS INFORMATION. This document and the content are proprietary and confidential information of UKG. No part of this document or its content may be reproduced in any form, or by any means, or distributed to any third party without the prior written consent of UKG © 2022 UKG Inc. All rights reserved.