



HR Record Retention Requirements – The Netherlands

THE NETHERLANDS			
DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
EMPLOYMENT RECORDS			
Contracts (new hire agreements, severance, etc.)	No longer than necessary for achieving the purposes for which the personal data was collected or subsequently processed Best practice: maximum - 2 years after termination (No statutory minimum)	End of employment	GDPR & best practice
Time records (work hours, rest periods, vacation/sick/holiday, etc.)	Minimum - 52 weeks (No maximum other than mentioned in Article 5(1)(e) GDPR)	Creation of record	Article 3.2:1 Working hours decree ('Arbeidstijdenbesluit')
Performance records (performance reviews, promotions/demotions, licenses/certifications, investigations, disciplinary actions, etc.)	No longer than necessary for achieving the purposes for which the personal data was collected or subsequently processed Best practice: maximum - 2 years after termination (No statutory minimum)	End of contract or end of employment	Article 5(1)(e) GDPR & best practice
Data and personnel files	No longer than necessary for achieving the purposes for which the personal data was collected or subsequently processed Best practice: maximum - 2 years after termination (No statutory minimum)	End of contract or end of employment	Article 5(1)(e) GDPR & best practice

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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.)	Copy of government ID: minimum 5 calendar years after end of employment (No maximum other than mentioned in Article 5(1)(e) GDPR)	End of contract or end of employment	Article 15 (4) Foreign National Employment Act ('Wet arbeid vreemdelingen') & Article 28 Wage withholding Tax Act ('Wet op de Loonbeslasting") Confirmed; Handbook on Payroll Taxes 2.2
Collective bargaining/union	No recommended retention period	N/A	N/A
Background checks and drug tests	No longer than necessary for achieving the purposes for which the personal data was collected or subsequently processed Best practices: Applicants: 4 weeks or 1 year in case of consent Hired employees: As long as necessary for the purpose. Best practice maximum 2 years (No statutory minimum)	Background checks on applicants: End of selection procedure Background checks on employees: End of contract or end of employment	Article 5(1)(e) GDPR & best practice
Acknowledgements, policy agreements and required notices	No longer than necessary for achieving the purposes for which the personal data was collected or subsequently processed Best practice: maximum - 2 years after termination (No statutory minimum)	End of contract or end of employment	Article 5(1)(e) GDPR & best practice

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DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
EMPLOYMENT RECORDS (continued)			
Recruitment (interview notes, resumes/CVs, reference checks, etc.)	Applicant who is not hired: Maximum 4 weeks after end of application procedure, unless receive permission from individual to keep data longer, in which case can keep 1 year after termination of application procedure (No statutory minimum)	End of selection procedure	Article 5(1)(e) GDPR & best practice
	Hired employee: no longer than necessary for achieving the purposes for which the personal data was collected or subsequently processed (No statutory minimum)		
Tracking/recordings (biometric, geo-location, online tracking, camera recordings, etc.)	No longer than necessary for achieving the purposes for which the personal data was collected or subsequently processed	Upon recording	Article 5(1)(e) GDPR & best practice
	<p>Best Practices: Camera recordings: maximum of 4 weeks (can be longer if there is a specific incident). Note: Use of camera recordings is very limited</p> <p>Log files, computer systems, e-mail and internet monitoring: maximum 6 months to 2 years after ending employment (No statutory minimum)</p>		
Data on employee ethnicity and origin	Minimum 5 years	End of employment	Act on stimulation labor participation by Minorities ('Wet stimulerend Arbeidsdeelnamen Minderheden-Wet Samen')

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BENEFIT/PENSION/EQUITY RECORDS (continued)			
Benefits (plan documents, enrollment records)	No longer than necessary for achieving the purposes for which the personal data was collected or subsequently processed Best practice: maximum - 2 years after termination (No statutory minimum)	End of contract or end of employment	Article 5(1)(e) GDPR & best practice
Pension and retirement records	At least 7 years after the financial year to which records relate (No statutory maximum)	End of the financial year to which records relate	Article 169 Pension Act
Equity records	Accounting, administration and finance documents (e.g. annual accounts, profit and loss accounts, debtors and creditors administration, inventory records, salary administration): minimum 7 years (No statutory maximum)	End of the financial year to which records relate	Article 2:394 (6) & Article 2:10 & 3:15i BW Dutch Civil Code
PAYROLL/WAGE/TAX RECORDS			
Payroll and wage data (payslips, etc.)	Payroll related personal data for payroll tax statements (such as birthdate, name, address, place of residence, telephone number and citizen service number): minimum 5 calendar years Otherwise: minimum 7 years (No statutory maximum for both)	Payroll related data: End of calendar year to which records relate Other documents: End of financial year to which records relate	Article 28 Wage Withholding Tax Act ('Wet op de Loonbeslating'); Algemene wet inzake rijksbelastingen, Article 52-4 ('State Taxes Act'); Article 7.5 Uitvoeringsregeling LB 2011

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PAYROLL/WAGE/TAX RECORDS (continued)			
Tax records	Minimum 7 years (No statutory maximum)	End of the financial year to which records relate	Algemene wet inzake rijksbelastingen, Article 52-4 (State Taxes Act)
Decisions or certificates received from employees	No longer than necessary for achieving the purposes for which the personal data was collected or subsequently processed Best practice: maximum - 2 years after termination (No statutory minimum)	End of employment or contract	Article 5(1)(e) GDPR & best practice
Wage garnishments	No longer than necessary for achieving the purposes for which the personal data was collected or subsequently processed Best practice: Wage garnishment records have to be erased directly after the garnishment is lifted	From receipt of garnishment	Best practice; Article 475 Code of Civil Procedure
MEDICAL/SAFETY/LEAVE RECORDS			
Leave (family, medical, etc.)	No longer than necessary for achieving the purposes for which the personal data was collected or subsequently processed Best practice: maximum - 2 years after termination (No statutory minimum)	End of employment or contract	Article 5(1)(e) GDPR & best practice

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MEDICAL/SAFETY/LEAVE RECORDS (continued)			
Injury and illness incident reports	<p>No longer than necessary for achieving the purposes for which the personal data was collected or subsequently processed</p> <p>Best practice: maximum 2 years after termination (No statutory minimum). However, in case of claims/insurances etc. this period might be longer</p>	Date of injury/incident	Article 5(1)(e) GDPR & best practice & Article 7:454 Wet op de Geneeskundige Behandelingsovereenkomst ('Medical Treatment Contracts Act')
Medical records	<p>No longer than necessary for achieving the purposes for which the personal data was collected or subsequently processed</p> <p>Best practices: Employer related records: maximum 2 years after termination (No statutory minimum)</p> <p>Reintegration file (long-term illness): No statutory (minimum and/or maximum) period. Recommended maximum 2 years after completion of reintegration. If reintegration file contains permanent agreements, these agreements are kept longer and can be kept in the employee's personnel file</p>	End of employment or contract	Best Practice & Beleidsregels voor de verwerking van persoonsgegevens over de gezondheid van zieke werknemers (Policy rules for the processing of personal data on the health of sick employees)



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MEDICAL/SAFETY/LEAVE RECORDS (continued)			
Hazardous material and other exposure records	Medical exam records relating to exposure to hazardous substances; list of employees who have been or may be exposed to carcinogenic or mutagenic substances; and registers relating to asbestos exposure: minimum 40 years after last exposure (No statutory maximum)	From date of exposure	Arbeidsomstandighed enbesluit (Working Conditions Decree, 4.10c; 4.15; 4.53 paragraph 1, 4.9)
	Registers relating to biological agent exposure (category 3 & 4): minimum 10 years but not more than 40 years after date of last exposure		
Absence records in case of self-insurance status (eigenrisicodragerschap)	Employer records: minimum 5 years (No statutory maximum)	January 1 of the year following the year in which the last action was taken on the file	Article 3(2) Regeling werkzaamheden administratieve voorschriften en kosten eigenrisicodragen ZW

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