



HR Record Retention Requirements – Portugal

PORTUGAL			
DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
EMPLOYMENT RECORDS			
Contracts (new hire agreements, severance, etc.)	Minimum 1 to 5 years (statute of limitations varies depending on type of claim)	From termination	Art. 337, Portuguese Labour Code; Art. 52, Law n.º 107/2009; Art. 16 of Reg. n.º 27/1999; Art. 353 Portuguese Industrial Code
Time records (work hours, rest periods, vacation/sick/holiday, etc.)	Minimum 5 years	From date to which they relate	Art. 202 and 231, Portuguese Labour Code
Performance records (performance reviews, promotions/demotions, licenses/certifications, investigations, disciplinary actions, etc.)	Minimum 1 to 5 years	From termination	Art. 337, Portuguese Labour Code; Art. 52, Law n.º 107/2009; Art. 16 of Reg. n.º 27/1999; Art. 353 Portuguese Industrial Code
Data and personnel files	Minimum 1 to 5 years	From termination	Art. 337, Portuguese Labour Code; Art. 52, Law n.º 107/2009; Art. 16 of Reg. n.º 27/1999; Art. 353 Portuguese Industrial Code
Government verification records (work papers, immigration, eligibility to work, etc.)	Foreign employee IDs and foreign employee records: 5 to 10 years; VAT and tax related records: May be required to be retained for 10 years	From end of fiscal year to which records relate	Art. 52, Law n.º 107/2009; Art. 52 VAT Code; Art. 130 Corporate Income Tax; Art. 40 of the Portuguese Commercial Code; Art. 19 of Decree-Law 28/2019
Collective bargaining/union	Minimum 1 to 5 years	From termination	Art. 337, Portuguese Labour Code; Art. 52, Law n.º 107/2009; Art. 16 of Reg. n.º 27/1999; Art. 353 Portuguese Industrial Code

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DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
EMPLOYMENT RECORDS (continued)			
Background checks and drug tests	Where allowed, retain only as long as necessary to complete hiring process (delete after recruitment process unless relevant to on-going employment; if relevant, retain only if conviction unspent and delete once conviction spent)	From creation	Best practice based on GDPR, Art. 10
Acknowledgements, policy agreements and required notices	Minimum 1 to 5 years	From termination	Art. 337, Portuguese Labour Code; Art. 52, Law n.º 107/2009; Art. 16 of Reg. n.º 27/1999; Art. 353 Portuguese Industrial Code
Recruitment (interview notes, resumes/CVs, reference checks, etc.)	Minimum 5 years Maximum 1 to 5 years	From the date to which they relate	Art. 32, Portuguese Labour Code
Tracking/recordings (biometric, geo-location, online tracking, camera recordings, etc.)	*Specific recommendation from National Data Protection Commission to keep vehicles geo-location data for 1 week Maximum CCTV Recordings: Maximum 30 days	From termination CCTV Recordings: From date of recording	Art. 337, Portuguese Labour Code; Art. 52, Law n.º 107/2009; Art. 31, of Law n.º 34/2013 on Private Security Activity
Miscellaneous	Mobile workers in road transport activity, workers involved in the exploitation of motor vehicles: Minimum 1 year; Workers involved in the exploitation of motor vehicles with tachograph: Minimum 5 years	From the date to which they relate	Art. 4 (5), Decree-Law n.º 169/2009; Art. 8 Ordinance n.º 7/2022
BENEFIT/PENSION/EQUITY RECORDS			
Benefits (plan documents, enrollment records)	Foreign employee IDs and foreign employee records: 5 to 10 years; VAT and tax related records: May be required to be retained for 10 years	From the date to which they relate	Art. 52, Law n.º 107/2009; Art. 52 VAT Code; Art. 130 Corporate Income Tax; Art. 40 of the Portuguese Commercial Code; Art. 19 of Decree-Law 28/2019

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BENEFIT/PENSION/EQUITY RECORDS (continued)			
Pension and retirement records	Foreign employee IDs and foreign employee records: 5 to 10 years;	From the date to which they relate	Art. 52, Law n.º 107/2009; Art. 52 VAT Code; Art. 130 Corporate Income Tax; Art. 40 of the Portuguese Commercial Code; Art. 19 of Decree-Law 28/2019
	VAT and tax related records: May be required to be retained for 10 years		
Equity records	Foreign employee IDs and foreign employee records: 5 to 10 years;	From the date to which they relate	Art. 52, Law n.º 107/2009; Art. 52 VAT Code; Art. 130 Corporate Income Tax; Art. 40 of the Portuguese Commercial Code; Art. 19 of Decree-Law 28/2019
	VAT and tax related records: May be required to be retained for 10 years		
PAYROLL/WAGE/TAX RECORDS			
Payroll and wage data (payslips, etc.)	Foreign employee IDs and foreign employee records: 5 to 10 years;	From end of fiscal year to which records relate	Art. 52, Law n.º 107/2009; Art. 52 VAT Code; Art. 130 Corporate Income Tax; Art. 40 of the Portuguese Commercial Code; Art. 19 of Decree-Law 28/2019
	VAT and tax related records: May be required to be retained for 10 years		
Tax records	Foreign employee IDs and foreign employee records: 5 to 10 years;	From end of fiscal year to which records relate	Art. 52, Law n.º 107/2009; Art. 52 VAT Code; Art. 130 Corporate Income Tax; Art. 40 of the Portuguese Commercial Code; Art. 19 of Decree-Law 28/2019
	VAT and tax related records: May be required to be retained for 10 years		
MEDICAL/SAFETY/LEAVE RECORDS			
Leave (family, medical, etc.)	Minimum 5 years	From the date to which they relate	Art. 179, Law n.º 98/2009; Art. 73-B, Law n.º 102/2009 of 10 September on Health and Safety at Work
Injury and illness incident reports	Minimum 5 years	From the date to which they relate	Art. 179, Law n.º 98/2009; Art. 73-B, Law n.º 102/2009 of 10 September on Health and Safety at Work

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MEDICAL/SAFETY/LEAVE RECORDS (continued)			
Medical records	General: Minimum 5 years Exposure to level 3 and 4 biological agents: Minimum 10 years (40 years if exposure to hazardous substances caused latent or persistent infections or with late diagnosis)	From date of last entry in record	Decree-Law n.º 84/97 of April 16 on Exposure of Employees to Biological Agents; Art. 46(3), Law n.º 102/2009 of 10 September on Health and Safety at Work; Art. 73-B, Law n.º 102/2009 of 10 September on Health and Safety at Work
Hazardous material and other exposure records	General: Minimum 5 years Exposure to level 3 and 4 biological agents: Minimum 10 years (40 years if exposure to hazardous substances caused latent or persistent infections or with late diagnosis)	From date of last entry in record	Decree-Law n.º 84/97 of April 16 on Exposure of Employees to Biological Agents; Art. 46(3), Law n.º 102/2009 of 10 September on Health and Safety at Work; Art. 73-B, Law n.º 102/2009 of 10 September on Health and Safety at Work

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