



HR Record Retention Requirements – Serbia

SERBIA			
DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
EMPLOYMENT RECORDS			
Contracts (new hire agreements, severance, etc.)	Limit to term of employment or a specific period after termination which can be justified as necessary for performance of a contract, complying with legal obligation or fulfilling a legitimate interest	Date Employment Agreement is signed	Best practice based on Law on Records Regarding Employment, Arts. 5, 7, 24 and 25; Data Protection Law, Art. 5
Time records (work hours, rest periods, vacation/sick/holiday, etc.)	Permanent	Creation of record	Law on Records Regarding Employment, Arts. 5, 7, 24 and 25
Performance records (performance reviews, promotions/demotions, licenses/certifications, investigations, disciplinary actions, etc.)	Limit to term of employment or a specific period after termination which can be justified as necessary for performance of a contract, complying with legal obligation or fulfilling a legitimate interest	Creation of record	Best practice based on Data Protection Law, Art. 5
Data and personnel files	Retain data in Statutory Record permanently	Creation of record	Law on Records Regarding Employment, Arts. 5 and 7
Government verification records (work papers, immigration, eligibility to work, etc.)	Limit to term of employment or a specific period after termination which can be justified as necessary for performance of a contract, complying with legal obligation or fulfilling a legitimate interest	Creation of record	Best practice based on Data Protection Law, Art. 5
Collective bargaining/union	Permanent	Date agreement is finalized	Company Law, Arts. 240 and 464
Background checks and drug tests	Hired candidates- Limit to period needed to accomplish purpose; Applicants who aren't hired - not regulated under the Law	From date of check/test	Best practice based on Data Protection Law, Art. 5

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DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
EMPLOYMENT RECORDS (continued)			
Acknowledgements, policy agreements and required notices	Hired candidates- permanently; Applicants who aren't hired - not regulated under the Law	Date document is distributed/signed	N/A
Recruitment (interview notes, resumes/CVs, reference checks, etc.)	Limit to term of employment or a specific period after termination which can be justified as necessary for performance of a contract, complying with legal obligation or fulfilling a legitimate interest	Creation of record	Best practice based on Data Protection Law, Art. 5
Tracking/recordings (biometric, geo-location, online tracking, camera recordings, etc.)	Recordings directly related to safety and protection - minimum of 30 days;		Law on Records Regarding Employment, Art. 23;
	GPS, online tracking, video monitoring etc.: Retain no longer than necessary to fulfill purpose based on the legitimate grounds under the Data Protection Law	From creation of record	Law on Private Security; Best practice based on Data Protection Law, Art. 5
BENEFIT/PENSION/EQUITY RECORDS			
Benefits (plan documents, enrollment records)	Limit to term of employment or a specific period after termination which can be justified as necessary for performance of a contract, complying with legal obligation or fulfilling a legitimate interest	Date Employment Agreement is signed	Best practice based on Data Protection Law, Art. 5; Law on Records Regarding Employment, Arts. 7, 24 and 25
Pension and retirement records	Records on whether employee is retired or if person is receiving disability pension in the Statutory Record;		Best practice based on Data Protection Law, Art. 5;
	Limit to term of employment or a specific period after termination which can be justified as necessary for performance of a contract, complying with legal obligation or fulfilling a legitimate interest	Date Employment Agreement is signed	Law on Records Regarding Employment, Arts. 7, 24 and 25

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BENEFIT/PENSION/EQUITY RECORDS			
Equity records	Decisions on company's change of capital and/or annual reports on company's operations and consolidated annual reports - retain permanently; Other equity related records - minimum 5 years	Creation of record	Company Law, Art. 464
Record on users of disability insurance	Retain permanently (Includes employee first/last name; personal number; gender; place/date of birth; permanent residence and address (place, municipality, republic); occupation, education, type/degree; insurance basis; date for recognition of right, commence date of exercise of right, type of right which is exercised; date of termination of right)	Creation of record	Law on Records Regarding Employment, Arts. 42 and 43
PAYROLL/WAGE/TAX RECORDS			
Payroll and wage data (payslips, etc.)	Permanent (this also includes payrolls lists and analytic reports on salaries)	Creation of record	Law on Records Regarding Employment, Arts. 7, 24 and 25 The Law on Accounting, Art. 28
Tax records	N/A	N/A	N/A
Record on employee salaries	Retain permanently	Creation of record	Law on Records Regarding Employment, Art. 24 and 25
MEDICAL/SAFETY/LEAVE RECORDS			
Leave (family, medical, etc.)	Permanent	Creation of record	Law on Records Regarding Employment, Arts. 7, 24 and 25
Injury and illness incident reports	40 years	From date of incident	Law on Safety and Health at Work, Art. 49; Rulebook on Records regarding Safety and Health at Work, Art. 17

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DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
MEDICAL/SAFETY/LEAVE RECORDS (continued)			
Medical records	Medical records relating to work injury, occupational illness or other illness related to work - 40 years;	From date of incident or creation of record/medical report	Law on Records Regarding Employment, Arts. 7, 24 and 25;
	Medical, health and safety records relating to employees who are working in places with higher risk - 40 years;		Law on Safety and Health at Work, Art. 49;
	Otherwise, retain permanently		Rulebook on Records regarding Safety and Health at Work, Art. 17
Hazardous material and other exposure records	40 years (3 years from date hazardous material is not in use and 40 years from exposure to dangerous occurrence)	Date of exposure or incident	Law on Safety and Health at Work, Art. 49;
			Rulebook on Records regarding Safety and Health at Work, Art. 17
Records regarding the safety and health at work	40 years, i.e. Records relating to: workplaces with higher risk; employees working in places with higher risk and their medical exams; work injury/occupational illness/work-related illness; employees trained for safety and health work; reports to labor inspectorate and internal affairs authority; relating to death, collective/serious injury at work, or work injury where employee cannot work for 3+ consecutive bus. days, or occurrence that could endanger health/safety; registration of occupational illness; medical exams conducted in accordance with work safety and health regulations; registration of occurrences which may endanger employee health/safety	Creation of record	Law on Safety and Health at Work, Art. 49; Rulebook on Records regarding Safety and Health at Work, Art. 17

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MEDICAL/SAFETY/LEAVE RECORDS (continued)			
Records regarding safety and health at work	Records relating to examinations of work environment conditions; inspections and audits of work equipment; means and equipment issued for protection at work: 6 years from date of termination of expert report	Creation of record	Law on Safety and Health at Work, Art. 49; Rulebook on Records regarding Safety and Health at Work, Art. 17

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