



HR Record Retention Requirements – France

France			
DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
EMPLOYMENT RECORDS			
Contracts (new hire agreements, severance, etc.)	Minimum 5 years	From contract termination	Art. 2224, French Civil Code; No legal obligation but rule of prevention in regard to prescription period (prescription for discrimination litigation can reach 20 years maximum, Art. 2232, French Civil Code)
Time records (work hours, rest periods, vacation/sick/holiday, etc.)	Data on working hours, accounting and on-call duties: Minimum 1 year;	From date of drafting or record	Art. D3171-16, French Labour Code;
	Data on working days for flat-rate pay agreements ("convention de forfait"): Minimum 3 years;		CNIL Standards relating to human resources management (Delib. n°2019-160, Nov. 21, 2019, adopting a reference framework for the processing of personal data for personnel management purposes) and modified by the Délibération n°2022-126 of 23rd of May 2022)
	Registration of work and rest periods: Duration of employment		
Performance records (performance reviews, promotions/demotions, licenses/certifications, investigations, disciplinary actions, etc.)	Maximum duration of employment	From date of collection	CNIL Standards relating to human resources management (Delib. n°2019-160, Nov. 21, 2019, adopting a reference framework for the processing of personal data for personnel management purposes) and modified by the Délibération n°2022-126 of 23rd of May 2022)
Data and personnel files	Minimum 5 years	From date of record	Art. 2224, French Civil Code. No legal obligation but rule of prevention in regard to prescription period

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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.)	Minimum 5 years	From date of departure	Art. R1221-26, French Labour Code
Collective bargaining/union	Maximum 6 months after the date when the legal mandate for the union/staff representative ceases to exist	From start of period where union/staff representative exists	Art. L. 2411-5, French Labour Code
Background checks and drug tests	<p>Background checks: Only until purpose of data collection is fulfilled;</p> <p>Drug tests: Tests which don't lead to disciplinary sanction: Only for duration required by purpose of test (investigations);</p> <p>Tests which lead to disciplinary sanction (other than dismissal): Maximum 3 years after notification of sanction;</p> <p>Tests which lead to dismissal: Minimum 1 year from termination notice (if termination challenged retain through period of litigation)</p>	From creation of record	<p>Art. 5, GDPR;</p> <p>Art. L. 1471-1, French Labour Code;</p> <p>Art. L. 1332-5, French Labour Code</p>
Acknowledgements, policy agreements and required notices	Varies depending on context	n/a	n/a
Recruitment (interview notes, resumes/CVs, reference checks, etc.)	Applicants and hired employees: maximum 2 years	From the last contact with the person involved	CNIL - "Le guide du recrutement" - Recruitment Guide - 30th of January, 2023

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DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
EMPLOYMENT RECORDS (continued)			
Tracking/recordings (biometric, geo-location, online tracking, camera recordings, etc.)	Biometric data: Maximum duration of employment contract;		Deliberation No. 2019-001 of January 10, 2019, concerning on the implementation of devices for the purpose of access control, access control by biometric authentication to premises, equipment and computer applications in the workplace;
	On-line traffic data and identification data of specific website's users: 1 year (minimum and maximum);	General: From date of collection;	
	Camera recordings: Maximum 1 month (for data processing). Can be archived for unlimited period in the event of criminal prosecution	Camera recordings: From date of access or transfer of the recordings	Art. L34-1, French Post and Electronic Communications Code; Art. 6 II LCEN (Act for confidence in the digital economy n°2004- 575 21/06/2004); Art. L252-3, French Internal Security Code CNIL guidelines
Miscellaneous 1	Data relating to employee or temporary worker in regard to identification, administration, organization, social activities and staff representation: Maximum duration of employment	From date of collection	CNIL Standards relating to human resources management (Delib. n°2019-160, Nov. 21, 2019, adopting a reference framework for the processing of personal data for personnel management purposes) and modified by the Délibération n°2022-126 of 23rd of May 2022)
Miscellaneous 2	Data related to the use of the Internet of the Company (connection log): Maximum 6 months	From connection to a website	CNIL Guidelines ("Les outils informatiques au travail")
BENEFIT/PENSION/EQUITY RECORDS			
Benefits (plan documents, enrollment records)	Social and cultural benefits: Maximum 2 years	Following the provision of the benefit	CNIL recommendation n°2006- 230 (Exoneration n°10)
Pension and retirement records	Minimum 5 years (including proof of pension affiliation and contributions "ARRCO" and "AGIRC")	From date of drafting	Art. 2224, French Civil Code. No legal obligation but rule of prevention in regard to prescription period
Equity records	-	-	-

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PAYROLL/WAGE/TAX RECORDS			
Payroll and wage data (payslips, etc.)	Electronic pay slips: Minimum 5 years and duty to ensure availability for minimum of 50 years or until employee has reached age 68	From pay date	Art. L. 3243-4, French Labour Code; Art. D. 3243-8, French Labour Code; El Khomri Law
Tax records	Minimum 3 years	From the end of the year the tax is due	Art. L. 169, Tax Procedure Book
Miscellaneous 1	Social charges owed to French Administration based on salary: Minimum 3 years	Day after end of civil year to which records relate	Art. L. 244-3, French Social Security Code
MEDICAL/SAFETY/LEAVE RECORDS			
Leave (family, medical, etc.)	Sick leave: Maximum duration of employment; Family leave: Maximum 5 years	From date of collection	CNIL Standards relating to human resources management (Delib. n°2019-160, Nov. 21, 2019, adopting a reference framework for the processing of personal data for personnel management purposes) and modified by the Délibération n°2022-126 of 23rd of May 2022)
Injury and illness incident reports	Data concerning Labour Inspectorate, Health Safety Committee ("CSSCT"), or industrial accident declarations: Minimum 5 years	From creation of record	Art. D4711-3, French Labour Code
Medical records	Generally not permitted; Work-related medical exams related to hazardous chemical agents: Minimum 50 years; Work-related medical exams related to pathogen biological agents: Minimum 10 years	From date of employees' last exposure	Art. D4624-46 et seq., French Labour Code; No specific retention period but rule of prevention in regard to prescription period: Art. L1142-28, French Public Health Code; Art. R4412-54 et seq., French Labour Code; Art. R4426-8 et seq., French Labour Code

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MEDICAL/SAFETY/LEAVE RECORDS (continued)			
Hazardous material and other exposure records	Exposure sheet of employees who worked in dangerous conditions or whose health has been under threat (including asbestos dust, hyperbaric environment, radiation, ionizing radiation and/pr artificial optical radiation): Minimum 2 years;	From date which occupational disease was first diagnosed or date of employees' last exposure	Arts. L4121-3-1, French Labour Code;
	Register of employees exposed to 3rd and 4th category biological agents: Minimum 10 years		No specific retention period but rule of prevention in regard to prescription period: Arts. L431-2, L461-1 et seq., French Social Security Code;
			Art. D4121-9, French Labour Law;
			Art. R4426-1 to R4426-4, French Labour Code;
			Art. R4451-57 to R4451-60, French Labour Code
Miscellaneous 1	Floor plans and directions – “plan particulier de sécurité et de protection de la santé”: Minimum 5 years	From date of work receipt	Art. R4532-74, French Labour Code
Miscellaneous 2	Records of noise levels and mechanical vibration levels: Minimum 10 years	From date of evaluation	Arts. R4433-3 and R4444-3, French Labour Code
Miscellaneous 3	Necessary data for emergency medical care, individual reintegration plans, individual treatment agreements, degree of incapacity for work, required workplace adaptations: Maximum duration of employment	From date of collection	CNIL Standards relating to human resources management (Delib. n°2019-160, Nov. 21, 2019, adopting a reference framework for the processing of personal data for personnel management purposes) and modified by the Délibération n°2022-126 of 23rd of May 2022)

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