



HR Record Retention Requirements – Germany

Germany			
DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
EMPLOYMENT RECORDS			
Contracts (new hire agreements, severance, etc.)	General: 6 years (including: notification letters for promotion/salary increase; demotion letters; resignation/dismissal letters/end of contract notice; retirement letters)	From end of calendar year that employee terminates	Sec. 147 AO, 257 HGB
Time records (work hours, rest periods, vacation/sick/holiday, etc.)	General: 10 years;		Sec. 147 (1) No 1, (3) AO, Sec. 257 (1) No 1, (4) HGB;
	Registration of work/rest periods for professional drivers: 2 years;	From end of year in which record was created;	Professional Drivers: Sec. 21a (7) Working Hours Act (Arbeitszeitgesetz, ArbZG);
	Daily work hours of seconded/borrowed workers who benefit from minimum wages (Mindestlöhne): 2 years	Seconded/borrowed workers: From creation of record	Sec. 19 (1) Seconded Workers Act (Arbeitnehmer-Entsendegesetz, AEntG); Sec. 17c (1) Borrowed Workforce Act (Arbeitnehmerüberlassungsgesetz, AÜG); Sec. 16 (2) Working Hours Act (Arbeitszeitengesetz)
Performance records (performance reviews, promotions/demotions, licenses/certifications, investigations, disciplinary actions, etc.)	General: 3 years (including: acknowledged receipts of warning, suspension and demotion letters; internship certificates); Warning letters: 1 year	From end of calendar year that employee terminates	Sec. 195, 199 (1) BGB; Warning letters: Sec. 4 KSchG
Data and personnel files	General: 6 years; Employee photos: Delete immediately once no longer necessary for purpose or upon withdrawal of consent	From end of calendar year that employee terminates	Sec. 147 AO, 257 HGB; Sec. 195, 199 (1) BGB; Sec. 26 BDSG

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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.)	6 years; Copy of identity cards/drivers license: Delete immediately once is no longer necessary for purpose	From end of calendar year that employee terminates	Sec. 147 AO, 257 HGB; Sec. 28f Social Security Code IV (Sozialgesetzbuch IV, SGB IV); Sec. 8 Regulation on Contribution Proceedings (Beitragsverfahrensverordnung, BVV); Sec. 26 BDSG
Collective bargaining/union	Indefinite (usually agreements don't contain personal data)	n/a	n/a
Background checks and drug tests	Only permitted if and to the extent employee agreed to check/drug test and agreed to retention of results (note employee consent can be problematic)	From date of check/test	Depends on the agreement and/or on the withdrawal of employees consent
Acknowledgements, policy agreements and required notices	3 years	From end of calendar year that employee terminates	Sec. 195, 199 (1) BGB
Recruitment (interview notes, resumes/CVs, reference checks, etc.)	Unsuccessful candidate: 6 months (unless consent was obtained to store longer)	Starting from end of application process	Sec. 15 (4) AGG

Tracking/recordings (biometric, geo-location, online tracking, camera recordings, etc.)	<p>Biometric data: Delete immediately once purpose is fulfilled or, if employee interests are opposed to further retention;</p> <p>Online Tracking/ Geolocation: Only permitted in limited cases and may depend on employee's consent (note that employee consent can be problematic) Delete immediately once purpose is fulfilled;</p> <p>Camera recordings: Delete without undue delay once no longer needed or, if individuals have interest in deletion. General best practice is maximum of 72 hours. Longer retention may be permitted in certain cases</p>	From creation of record	Sec. 4 (3) and 26 BDSG
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BENEFIT/PENSION/EQUITY RECORDS			
Benefits (plan documents, enrollment records)	6 years (including Social security payments)	Beginning with course of calendar year in which obligation was fulfilled or claim/debt ceased to exist	Sec. 147 AO, 257 HGB
Pension and retirement records	Company scheme records (concerning employee claims) and entitlements from other pension funds: 30 years; Divorce of employee, defining pension to be paid records; State Pension approval certificates; Correspondence after retirement begins; and documents/records supporting legal actions after retirement: 6 years	Company scheme and entitlements: From calendar year in which obligation arose; Divorce of employee: From calendar year in which obligation/claim/debt fulfilled	Company scheme and entitlements: Sec. 18a (1) BetrAVG; Divorce of employee: Sec. 147 AO, 257 HGB
Equity records	General: 6 years; ESOP records: 3 years	General: Starting with course of calendar year in which obligation was fulfilled or claim/debt ceased to exist; ESOP: From end of calendar year that employee terminates	Sec. 147 AO, 257 HGB; ESOP: Sec. 195, 199 (1) BGB

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PAYROLL/WAGE/TAX RECORDS			
Payroll and wage data (payslips, etc.)	General: 10 years;	General: From end of year in which record was created;	Sec. 147 (1) No 1, (3) AO, Sec. 257 (1) No 1, (4) HGB; Salary account: Sec. 41 (1) Income Tax Act (Einkommenssteuergesetz, EStG); Exceptional bonus: Sec. 147 AO, 257 HGB
	Salary account (Lohnkonto) including employee data relevant for salary payment: 6 years;	Salary account: From last entry of payment;	
	Exceptional bonus notification; Notification for extra tariff annual bonus (non-manager); and, requests for overtime payment: 6 years	Exceptional bonus, etc.: From calendar year obligation was fulfilled or claim/debt ceased to exist	
Tax records	6 years	From calendar year in which obligation was fulfilled or claim/debt ceased to exist	Sec. 147 AO, 257 HGB
MEDICAL/SAFETY/LEAVE RECORDS			
Leave (family, medical, etc.)	Leave requests: 3 years; Parental leave records: 3 years (including acknowledged receipt of the parental leave request answer, etc.);	Starting with course of calendar year in which obligation was fulfilled or claim/debt ceased to exist	Sec. 195, 199 (1) BGB; Sec. 147 AO, 257 HGB
	General: 6 years (including part-time agreement during parental leave; time off for work accidents/diseases; correspondence relating to leave connected to early retirement; social insurance certificates of early return to work after sick/therapeutic/occupational leave)		

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MEDICAL/SAFETY/LEAVE RECORDS (continued)			
Injury and illness incident reports	30 years (including notification of workplace accident)	From accident	Sec. 199 (2) BGB
Medical records	<p>Medical certificates (with/without sick leave); disability certificates; request/approval grant records from Unemployment state office for disabled employees; equalization disability employee records; day off for accident at work/on-the-way/occupational disease records: 3 years;</p> <p>Fit to work certificates: 3 years after end of year of medical exam</p>	<p>From end of calendar year that employee terminates;</p> <p>Fit to work certificates: 3 years after end of year of medical exam</p>	<p>Sec. 195, 199 (1) BGB; Sec. 50 (2) JArbSchG</p>
Hazardous material and other exposure records	<p>General: Minimum 40 years; Register of employees who work with 3rd and 4th category biological agents: Minimum 10 years from termination;</p> <p>Ionizing radiation exposure records: Minimum 30 years; Register of employees exposed to asbestos: Minimum 40 years</p>	From end of exposure	<p>Sec. 14 (3) No 3 and 4 Ordinance on Hazardous Substances (Gefahrstoffverordnung, GefStoffV); Sec. 42 StrlSchV; Secs. 64 (3), 103 (aircrews) StrlSchV; Sec. 7 (3) Regulation on Biological Agents (Biostoffverordnung, BioStoffV)</p>
Miscellaneous 1	Pregnant or breastfeeding employee records: 2 years	From last entry	Sec. 19 MuSchG

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MEDICAL/SAFETY/LEAVE RECORDS (continued)			
Miscellaneous 2	Records of mandatory medical certificates documenting medical examinations of minor employees: Maximum until employee's 18th birthday	From creation	Sec. 41 para. 1 JArbSchG
Miscellaneous 3	Sick children certificate: 3 years	From calendar year in which obligation was fulfilled or claim/debt ceased to exist	Sec. 195, 199 (1) BGB

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