

HR Compliance Assist – Spain – HR Record Retention Requirements

| Spain | | | |
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| 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 employee termination | Royal Legislative Decree 5/2000 of 4th August, on labour-related infractions and sanctions; Royal Legislative Decree 8/2015 of 30th October, of General Social Security Act |
| Time records (work hours, rest periods, vacation/sick/holiday, etc.) | <p>General: Minimum 4 years;</p> <p>Time records relating to health and safety records: 5 years;</p> <p>Holiday records: 1 year</p> | <p>General working time records: From relevant pay period;</p> <p>Health and safety records: From employee termination;</p> <p>Holiday records: From employee termination</p> | <p>Royal Legislative Decree 5/2000 of 4th August, on labour-related infractions and sanctions; Royal Legislative Decree 8/2015 of 30th October, of General Social Security Act; Organic Law 7/2012, of 27th December; Royal Decree-Law 8/2019, of 8th March, on urgent measures for social protection and the fights against precarious employment in the workplace;</p> <p>Royal Legislative Decree 2/2015 of 23rd October, on the Workers Statute; Act 31/1995 of 8th November on Prevention of Occupation Hazards</p> |
| Performance records (performance reviews, promotions/demotions, licenses/certifications, investigations, disciplinary actions, etc.) | Minimum 4 years | From employee termination | Royal Legislative Decree 5/2000 of 4th August, on labour-related infractions and sanctions; Royal Legislative Decree 8/2015 of 30th October, of General Social Security Act; Royal Decree-Law 8/2019, of 8th March, on urgent measures for social protection and the fights against precarious employment in the workplace |
| Data and personnel files | <p>Minimum 4 years;</p> <p>Maximum 10 years;</p> <p>Records relating to liability for personal data processing procedures: Maximum 3 years</p> | From employee termination | <p>Royal Legislative Decree 5/2000 of 4th August, on labour-related infractions and sanctions;</p> <p>Royal Legislative Decree 8/2015 of 30th October, of General Social Security Act;</p> <p>Organic Law 7/2012, of 27th December;</p> <p>Royal Decree-Law 8/2019, of 8th March, on urgent measures for social protection and the fights against precarious employment in the workplace;</p> <p>Law 58/2003 of 17th December, on General Taxation</p> |

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| EMPLOYMENT RECORDS (continued) | | | |
| Government verification records (work papers, immigration, eligibility to work, etc.) | Minimum 5 years; Maximum 10 years | From employee termination | Royal Legislative Decree 5/2000 of 4th August, on labour-related infractions and sanctions; Organic Law 7/2012, of 27th December |
| Collective bargaining/union | During the term of the agreement and until it is replaced by another Collective Bargain Agreement | From date of signature | Royal Legislative Decree 5/2000 of 4th August, on labour-related infractions and sanctions; Organic Law 7/2012, of 27th December; Law 58/2003 of 17th December, on General Taxation |
| Background checks and drug tests | Minimum 5 years | From employee termination | Royal Legislative Decree 5/2000 of 4th August, on labour-related infractions and sanctions; Royal Legislative Decree 8/2015 of 30th October, of General Social Security Act; Act 31/1995 of 8th November on Prevention of Occupation Hazards |
| Acknowledgements, policy agreements and required notices | Minimum 5 years | From employee termination | Royal Legislative Decree 5/2000 of 4th August, on labour-related infractions and sanctions |
| Recruitment (interview notes, resumes/CVs, reference checks, etc.) | Applicants who aren't hired: Minimum 1 year; Applicants who are hired: Minimum 5 years | Applicants: From date of rejection of job applicant or date of termination of recruitment process; Hired employees: From employee termination date | Royal Legislative Decree 5/2000 of 4th August, on labour-related infractions and sanctions |
| Tracking/recordings (biometric, geo-location, online tracking, camera recordings, etc.) | Camera recordings: Maximum 1 month; Biometric recordings (for security purposes): Maximum 1 month; Biometric recordings (for control purposes): Minimum 4 years; Geolocation recordings for proof of execution of a service or for route optimization: Maximum 1 year | Camera and biometric recordings: From date of recording; Geolocation recordings: From date of recording for proof of execution of a services or route optimization | Organic Law 3/2018, of 5 December, on Data Protection and Guarantee of Digital Rights; Art. 20, 3 and 20 bis Royal Legislative Decree 2/2015 of 23rd October, on the Workers Statute |

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| EMPLOYMENT RECORDS (continued) | | | |
| Miscellaneous 1 | Temporary employee records: Minimum 5 years | From employee termination | Royal Legislative Decree 5/2000 of 4th August, on labour-related infractions and sanctions; Royal Legislative Decree 8/2015 of 30th October, of General Social Security Act; Act 31/1995 of 8th November on Prevention of Occupation Hazards |
| BENEFIT/PENSION/EQUITY RECORDS | | | |
| Benefits (plan documents, enrollment records) | Minimum 4 years; Maximum 10 years | From employee termination | Royal Legislative Decree 5/2000 of 4th August, on labour-related infractions and sanctions; Royal Legislative Decree 8/2015 of 30th October, of General Social Security Act; Law 58/2003 of 17th December, on General Taxation |
| Pension and retirement records | Minimum 4 years; Maximum 10 years | From termination of pension plan | Royal Legislative Decree 5/2000 of 4th August, on labour-related infractions and sanctions; Royal Legislative Decree 8/2015 of 30th October, of General Social Security Act; Law 58/2003 of 17th December, on General Taxation |
| Equity records | Minimum 4 years; Maximum 10 years | From employee termination | Royal Legislative Decree 5/2000 of 4th August, on labour-related infractions and sanctions; Organic Law 7/2012, of 27th December; Law 58/2003 of 17th December, on General Taxation |
| Miscellaneous 1 | Payroll and Social Security contribution documents/records: Minimum 4 years | From employee termination | Royal Legislative Decree 5/2000 of 4th August, on labour-related infractions and sanctions; Royal Legislative Decree 8/2015 of 30th October, of General Social Security Act |

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| PAYROLL/WAGE/TAX RECORDS | | | |
| Payroll and wage data (payslips, etc.) | Minimum 4 years | From employee termination | Royal Legislative Decree 5/2000 of 4th August, on labour-related infractions and sanctions; Royal Legislative Decree 8/2015 of 30th October, of General Social Security Act |
| Tax records | Minimum 4 years; Maximum 10 years | From employee termination | Royal Legislative Decree 5/2000 of 4th August, on labour-related infractions and sanctions; Royal Legislative Decree 8/2015 of 30th October, of General Social Security Act; Law 58/2003 of 17th December, on General Taxation |
| MEDICAL/SAFETY/LEAVE RECORDS | | | |
| Leave (family, medical, etc.) | Minimum 4 years; Maximum 5 years | From employee termination | Royal Legislative Decree 5/2000 of 4th August, on labour-related infractions and sanctions; Royal Legislative Decree 8/2015 of 30th October, of General Social Security Act |
| Injury and illness incident reports | Minimum 4 years; Maximum 5 years | From employee termination | Royal Legislative Decree 5/2000 of 4th August, on labour-related infractions and sanctions; Royal Legislative Decree 8/2015 of 30th October, of General Social Security Act; Act 31/1995 of 8th November on Prevention of Occupation Hazards |
| Medical records | General: Minimum 5 years (including medical exams related to hazardous substances); Medical records of employees exposed to ionizing radiation: until employee reaches 75 years of age, Minimum 30 years | General: From termination of company's activity; Ionizing radiation: From last date of activities relating to exposure or from employee termination | Royal Legislative Decree 5/2000 of 4th August, on labour-related infractions and sanctions; Royal Legislative Decree 8/2015 of 30th October, of General Social Security Act; Act 31/1995 of 8th November on Prevention of Occupation Hazards; Royal Decree 783/2001 of 6th July, on sanitary protection over ionizing radiations |

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| MEDICAL/SAFETY/LEAVE RECORDS (continued) | | | |
| Hazardous material and other exposure records | Register of employees who worked in dangerous conditions or in conditions where health is at risk: Minimum 5 years; | Dangerous conditions: From termination of company's activity; Exposure to biological agents or asbestos: From last date of exposure or from employee termination | Royal Legislative Decree 5/2000 of 4th August, on labour-related infractions and sanctions; Royal Legislative Decree 8/2015 of 30th October, of General Social Security Act; Act 31/1995 of 8th November on Prevention of Occupation Hazards; Royal Decree 664/1997 of 12th May, on the protection of workers against risks related to exposure to biologic agents during work; Royal Decree 665/1997 of 12th May, on the protection of workers against risks related to exposure to carcinogens during work |
| | Register of employees exposed to 3rd or 4th category biological agents: Minimum 10 years, or 40 years, depending on exposure; | | |
| | Register of employees exposed to asbestos dust: Minimum 40 years; | | |
| | Records of employee's exposure to cancer agents: Minimum 40 years | | |
| Miscellaneous 1 | Floor plans and directions: Minimum 5 years | From end of validity of floor plan | Royal Legislative Decree 5/2000 of 4th August, on labour-related infractions and sanctions; Royal Legislative Decree 8/2015 of 30th October, of General Social Security Act; Act 31/1995 of 8th November on Prevention of Occupation Hazards |
| Miscellaneous 2 | Occupational health obligations: Minimum 5 years | From employee termination | Act 31/1995 of 8th November on Prevention of Occupation Hazards; Royal Decree 664/1997 of 12th May, on the protection of workers against risks related to exposure to biologic agents during work |

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