

HR Compliance Assist – United Kingdom – HR Record Retention Requirements

| United Kingdom | | | |
|--|---|---|---|
| DOCUMENTS | RETENTION PERIOD (minimum and/or maximum) | BEGINNING OF RETENTION PERIOD | LEGAL REFERENCE |
| EMPLOYMENT RECORDS | | | |
| Contracts (new hire agreements, severance, etc.) | Minimum 6 years (General best practice retain 7 years as buffer for claims lodged at end of claim period) | Termination of employment | Sec. 5, Limitation Act 1980; UK Data Protection Act 2018, Sec. 22 |
| Time records (work hours, rest periods, vacation/sick/holiday, etc.) | Minimum 3 years (General best practice retain 4 years from termination to provide buffer for claims lodged at end of claim period) | From day pay reference period immediately following the pay period the records relate to ends | Sec. 9, National Minimum Wage Act 1998 and regulation 59, National Minimum Wage Regulations 2015 (SI 2015/621); UK Data Protection Act 2018, Sec. 22 |
| Performance records (performance reviews, promotions/demotions, licenses/certifications, investigations, disciplinary actions, etc.) | Minimum 6 years (General best practice retain 7 years as buffer for claims lodged at end of claim period) | Termination of employment | Sec. 5, Limitation Act 1980; UK Data Protection Act 2018, Sec. 22 |
| Data and personnel files | Minimum 6 years (General best practice retain 7 years as buffer for claims lodged at end of claim period) | Termination of employment | Sec. 5, Limitation Act 1980; UK Data Protection Act 2018, Sec. 22 |
| Government verification records (work papers, immigration, eligibility to work, etc.) | Minimum 2 years (General best practice retain 3 years from termination as buffer for claims lodged at end of claim period) | Termination of employment | Immigration checks minimum period: Sec. 15(7)(c), Immigration, Asylum and Nationality Act 2006 and Art. 6(b), Immigration (Restrictions on Employment) Order 2007 (SI 2007/3290); UK Data Protection Act 2018, Sec. 22 |
| Collective bargaining/union | Minimum 6 years (General best practice retain 7 years as buffer for claims lodged at end of claim period) | Termination of employment | Sec. 5, Limitation Act 1980; UK Data Protection Act 2018, Sec. 22 |
| Background checks and drug tests | Disclosure and Barring Services (DBS) checks and criminal records forms: Maximum 6 months after collection of data (a record of whether result was satisfactory may be retained in personnel file). In exceptional circumstances (where check is relevant to ongoing employment relationship) details of criminal check may be retained longer. | Creation or receipt of record | DBS Code of Practice; Guidance from The Information Commissioner Employment Practices Code Part 1: recruitment and selection (1.7); UK Data Protection Act 2018, Sec. 22 |

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| EMPLOYMENT RECORDS (continued) | | | |
| Acknowledgements, policy agreements and required notices | Minimum 6 years (General best practice retain 7 years as buffer for claims lodged at end of claim period) | Termination of employment | Sec. 5, Limitation Act 1980; UK Data Protection Act 2018, Sec. 22 |
| Recruitment (interview notes, resumes/CVs, reference checks, etc.) | Maximum 6 months (unless longer retention period agreed with the candidate) | After candidate is notified they were unsuccessful | Guidance from The Information Commissioner Employment Practices Code Part 1: recruitment and selection (1.7); UK Data Protection Act 2018, Sec. 22 |
| Tracking/recordings (biometric, geo-location, online tracking, camera recordings, etc.) | Only as long as strictly necessary | Creation or receipt of record | UK Data Protection Act 2018, Sec. 22 |
| Miscellaneous 1 | Data concerning temporary worker: Minimum 6 years (General best practice retain 7 years as buffer for claims lodged at end of claim period) | Termination of employment | UK Data Protection Act 2018, Sec. 22 |
| Miscellaneous 2 | Registration of work and rest periods, Working time opt-out forms, Records showing compliance with Working Time Regulations 1998: Working time opt-out forms - Minimum 2 years from date which they were entered into; Records showing compliance with Working Time Regulations - Minimum 2 years after relevant period; General best practice - retain for 3 years after termination (provides buffer for claims lodged at end of claim period) | Termination of employment | Minimum (working time opt-out forms): regulations 5 and 9 of the Working Time Regulations; Minimum (records to show compliance with Working Time Regulations): regulations 5, 7, and 9 of the Working Time Regulations; UK Data Protection Act 2018, Sec. 22 |
| BENEFIT/PENSION/EQUITY RECORDS | | | |
| Benefits (plan documents, enrollment records) | Minimum 6 years (General best practice retain 7 years as buffer for claims lodged at end of claim period) | Termination of employment | UK Data Protection Act 2018, Sec. 22 |

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| BENEFIT/PENSION/EQUITY RECORDS (continued) | | | |
| Pension and retirement records | <p>Direct Contribution Scheme: Minimum 6 years;</p> <p>Direct Benefit ('Final Salary') Scheme: Minimum 15 years;</p> <p>Master Trust: Minimum 6 years or the period stipulated in trust documents, whichever is longer</p> | <p>Direct Contribution Scheme: Termination of employment;</p> <p>Direct Benefit ('Final Salary') Scheme: When benefits cease being payable in relation to a member;</p> <p>Master Trust: When employee leaves scheme</p> | <p>Sec. 5, Limitation Act 1980;</p> <p>Regulation 18 Registered Pension Scheme (Provision of Information) Regulations 2006 (SI 2006/567);</p> <p>Pension Scheme Act 2017;</p> <p>Master Trust Scheme document (if applicable)</p> |
| Equity records | Employee share plan related records: Minimum 6 years or, if executed as a deed, 12 years. General best practice 7 years or, if executed as a deed, 13 years to provide buffer for claims lodged at end of limitation period | Later of the award of shares under share plan; or the vesting of shares under share plan | Secs., 5 and 8, Limitation Act 1980 |
| PAYROLL/WAGE/TAX RECORDS | | | |
| Payroll and wage data (payslips, etc.) | <p>Minimum 6 years from financial year-end in which payments were made (Unincorporated businesses: Minimum 5 years after 31 January following the year of assessment). General best practice retain 7 years as buffer for claims lodged at end of claim period.</p> | Termination of employment | <p>Par. 21, Schedule 18, Finance Act 1998;</p> <p>Sec. 12B, Taxes Management Act 1970</p> |
| Tax records | Minimum 5 years after January 31 following the year of assessment (General best practice retain 7 years as buffer for claims lodged at end of claim period) | Termination of employment | Sec. 12B, Taxes Management Act 1970 |
| Miscellaneous 1 | Bank details: No longer than necessary once employment/engagement has terminated and final payment made | Termination of employment | UK Data Protection Act 2018, Sec. 22 |
| Miscellaneous 2 | Pay As You Earn ("PAYE") records, (system for collecting income tax and national insurance contributions from employees' salaries): Minimum 3 years (Common best practice retain 4 years after termination) | After end of tax year to which record relates | Regulation 97, Income Tax (Pay As You Earn); Regulations 2003 (SI 2003/2682 |

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| MEDICAL/SAFETY/LEAVE RECORDS | | | |
| Leave (family, medical, etc.) | General: Minimum 6 years or longer where leave has been carried over from year to year (General best practice retain 7 years as buffer for claims lodged at end of claim period); | | UK Data Protection Act 2018, Sec. 22; |
| | Maternity pay records: Minimum 3 years after end of tax year in which maternity pay period ends (General best practice retain 4 years after termination to provide buffer for claims lodged at end of termination period) | Termination of employment | Maternity Pay: Regulation 26, Statutory Maternity Pay (General) Regulations 1986 (SI 1986/1960) |
| Injury and illness incident reports | Minimum 3 years from date report was made (General best practice retain 4 years after termination) | Termination of employment | Schedule 1, Part II, Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (SI 2013/1471) |
| Medical records | Minimum (medical exams related to hazardous substances): 40 years (if record is representative of personal exposure of identifiable employees) or 5 years (all other cases); | Creation of record, receipt of record, or date of last update to record | Minimum (medical exams related to hazardous substances): Regulation 10(5), Control of Substances Hazardous to Health Regulations 2002, SI 2002/2677 |
| | Maximum (other medical records): 7 years after end of tax year in which employee terminates | | |
| Hazardous material and other exposure records | Records monitoring exposure of employees to substances hazardous to health: Minimum 40 years (if record is representative of personal exposure of identifiable employees) or 5 years (other cases); | Creation of record, receipt of record, or date of last update to record | Regulation 10(5), Control of Substances Hazardous to Health Regulations 2002, SI 2002/2677; |
| | Records of those exposed to asbestos: Minimum 40 years from date last entry was made | | Regulation 22 Control of Asbestos Regulations 2012, SI 2012/632 |
| Miscellaneous 1 | Necessary data for emergency medical care, individual reintegration plans, individual treatment agreements, degree of incapacity for work, required workplace adaptations: Minimum 6 years (General best practice retain 7 years as buffer for claims lodged at end of claim period) | Termination of employment | Sec. 5, Limitation Act 1980; UK Data Protection Act 2018, Sec. 22 |

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