

Retention of Data Guidance

Non-Statutory Retention Periods

For many types of HR records, there is no definitive retention period: it is up to the employer to decide how long to keep them. Different organisations make widely differing decisions about the retention periods to adopt.

The advice in this document is based on the time limits for potential UK tribunal or civil claims. The period is often a question of judgement rather than there being any definitive right answer.

Employers should always review the length of time personal data is kept, consider its purpose when deciding how long to retain it, and update, archive or securely delete information if it goes out of date. It's also important to remember that confidential data, for example sickness records, should have personally identifiable information removed where possible (pseudonymisation).

The UK Limitation Act 1980 contains a 6-year time limit for starting many legal proceedings. So, where documents may be relevant to a contractual claim, it's recommended that these are kept for at least a corresponding 6-year period. Under the same Act, the limit for defamation proceedings is one year although this has been extended in some cases. Defamation claims may be relevant to references or interview notes.

Record types

Actuarial valuation reports

Recommended retention period: permanently.

Assessments under health and safety regulations and records of consultations with safety representatives and committees

Recommended retention period: permanently.

Collective agreements

Recommended retention period: 6 years after the agreement ends.

CCTV footage

Recommended retention period: CCTV footage may be relevant to a disciplinary matter or unfair dismissal claim. Recommended Information Commissioner's Office (ICO) retention practice is 6 months following the outcome of any formal decision or appeal.

Driving offences

Recommended retention period: Must be removed once the conviction is spent under the Rehabilitation of Offenders Act 1974.

Flexible working requests

Recommended retention period: 18 months following any appeal. This is because a further request cannot be made for 12 months following a request plus allowing for a 6 month tribunal limitation period on top.

Inland Revenue/HMRC approvals

Recommended retention period: permanently.

**Money purchase details**

Recommended retention period: 6 years after transfer or value taken.

Parental leave

Recommended retention period: 18 years from the birth of the child.

Pension records

Recommended retention period: 12 years after the benefit ceases.

Pension scheme investment policies

Recommended retention period: 12 years from the ending of any benefit payable under the policy.

Personnel files and training records (including formal disciplinary records and working time records)

Recommended retention period: 6 years after employment ceases but note that it may be unreasonable to refer to expired warnings after two years have elapsed.

Recruitment application forms and interview notes (for unsuccessful candidates)

Recommended retention period: 6 months to a year. Because of the time limits in the various discrimination Acts, minimum retention periods for records relating to advertising of vacancies and job applications should be at least 6 months. A year may be more advisable as the time limits for bringing claims can be extended. Successful job applicants' documents will be transferred to the personnel file in any event.

Redundancy details, calculations of payments, refunds, notification to the Secretary of State

Recommended retention period: 6 years from the date of redundancy.

References

Recommended retention period: At least one year after the reference is given to meet the limitation period for defamation claims.

Right to work in the UK checks

Recommended retention period: Home Office recommended practice is 2 years after employment ends.

Senior executives' records (that is, those on a senior management team or their equivalents)

Recommended retention period: permanently for historical purposes.

Statutory Sick Pay records, calculations, certificates, self-certificates, occupational health reports

Recommended retention period: The Statutory Sick Pay (Maintenance of Records) (Revocation) Regulations 2014 (SI 2014/55) abolished the former obligation on employers to keep these records. Although there is no longer a specific statutory retention period, employers must still keep sickness records to best suit their business needs. It's advisable to keep records for at least 6 months after the end of the period of sick leave in case of a disability discrimination claim. However, if there's a personal injury claim, the limitation is 3 years. If there's a contractual claim for breach of an employment contract, it may be safer to keep records for 6 years after the employment ceases.



Termination of employment, for example early retirement, severance or death in service

Recommended retention period: at least 6 years although the ICO's retention schedule suggests until employee reaches age 100.

Terms and conditions including offers, written particulars, and variations

Recommended retention period: review 6 years after employment ceases or the terms are superseded.

Time cards

Recommended retention period: 2 years after audit.

Trade union agreements

Recommended retention period: 10 years after ceasing to be effective.

Trust deeds and rules

Recommended retention period: permanently.

Trustees' minute books

Recommended retention period: permanently.

Works council minutes

Recommended retention period: permanently.

Statutory Retention Periods

The main UK legislation regulating statutory retention periods is summarised below. It is recommended we keep records for at least 6 years (5 in Scotland), to cover the time limit for bringing any civil legal action.

Record types

Accident books, accident records/reports (See below for accidents involving chemicals or asbestos)

Statutory retention period: 3 years from the date of the last entry (or, if the accident involves a child/ young adult, then until that person reaches the age of 21).

Statutory authority: The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (SI 1995/3163) as amended, and Limitation Act 1980. Special rules apply concerning incidents involving hazardous substances (see below).

Accounting records

Statutory retention period: 3 years for private companies, 6 years for public limited companies.

Statutory authority: Section 221 of the Companies Act 1985 as modified by the Companies Acts 1989 and 2006.

First aid training

Statutory retention period: 6 years after employment.

Statutory authority: Health and Safety (First Aid) Regulations 1981.

Fire warden training



Statutory retention period: 6 years after employment.
Statutory authority: Fire Precautions (Workplace) Regulations 1997.

Health and Safety representatives and employees' training

Statutory retention period: 5 years after employment.
Statutory authority: Health and Safety (Consultation with Employees) Regulations 1996;
Health and Safety Information for Employees Regulations 1989.

Income tax and NI returns, income tax records and correspondence with HMRC

Statutory retention period: not less than 3 years after the end of the financial year to which they relate.

Statutory authority: The Income Tax (Employments) Regulations 1993 (SI 1993/744) as amended, for example by The Income Tax (Employments) (Amendment No. 6) Regulations 1996 (SI 1996/2631).

Medical records and details of biological tests under the Control of Lead at Work Regulations

Statutory retention period: 40 years from the date of the last entry.
Statutory authority: The Control of Lead at Work Regulations 1998 (SI 1998/543) as amended by the Control of Lead at Work Regulations 2002 (SI 2002/2676).

Medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH)

Statutory retention period: 40 years from the date of the last entry.
Statutory authority: The Control of Substances Hazardous to Health Regulations 1999 and 2002 (COSHH) (SIs 1999/437 and 2002/2677).

Medical records under the Control of Asbestos at Work Regulations: medical records containing details of employees exposed to asbestos and medical examination certificates

Statutory retention period: (medical records) 40 years from the date of the last entry; (medical examination certificates) 4 years from the date of issue.

Statutory authority: The Control of Asbestos at Work Regulations 2002 (SI 2002/ 2675). Also see the Control of Asbestos Regulations 2006 (SI 2006/2739) and the Control of Asbestos Regulations 2012 (SI 2012/632).

Medical records under the Ionising Radiations Regulations 1999

Statutory retention period: until the person reaches 75 years of age, but in any event for at least 50 years.

Statutory authority: The Ionising Radiations Regulations 1999 (SI 1999/3232).

National minimum wage records

Statutory retention period: 3 years after the end of the pay reference period following the one that the records cover.

Statutory authority: National Minimum Wage Act 1998.

Payroll wage/salary records (also overtime, bonuses, expenses)



Statutory retention period: 6 years from the end of the tax year to which they relate.
Statutory authority: Taxes Management Act 1970.

Records of tests and examinations of control systems and protective equipment under the Control of Substances Hazardous to Health Regulations (COSHH)

Statutory retention period: 5 years from the date on which the tests were carried out.
Statutory authority: The Control of Substances Hazardous to Health Regulations 1999 and 2002 (COSHH) (SIs 1999/437 and 2002/2677).

Records relating to children and young adults

Statutory retention period: until the child/young adult reaches the age of 21.
Statutory authority: Limitation Act 1980.

Retirement Benefits Schemes – records of notifiable events, for example, relating to incapacity

Statutory retention period: 6 years from the end of the scheme year in which the event took place.
Statutory authority: The Retirement Benefits Schemes (Information Powers) Regulations 1995 (SI 1995/3103)

Statutory Maternity Pay records, calculations, certificates (Mat B1s) or other medical evidence (also shared parental, paternity and adoption pay records)

Statutory retention period: 3 years after the end of the tax year in which the maternity period ends.
Statutory authority: The Statutory Maternity Pay (General) Regulations 1986 (SI 1986/1960) as amended, Maternity & Parental Leave Regulations 1999.

Subject access request

Statutory retention period: 1 year following completion of the request.
Statutory authority: Data Protection Act 2018.

Whistleblowing documents

Statutory retention period: 6 months following the outcome (if a substantiated investigation). If unsubstantiated, personal data should be removed immediately.
Statutory authority: Public Interest disclosure Act 1998 and recommended IAPP practice.

Working time records including overtime, annual holiday, jury service, time off for dependents, etc

Statutory retention period: 2 years from date on which they were made.
Statutory authority: The Working Time Regulations 1998 (SI 1998/1833).