

**REMEDY RECRUITMENT GROUP DATA RETENTION POLICY**

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**Introduction**

This policy introduces the legal position on the retention of HR records in the UK, including the Data Protection Act 2018 and the General Data Protection Regulation (GDPR).

HR records include a wide range of data relating to individuals working for Remedy Recruitment Group (Remedy) for example hours worked and pay or absence levels. This information is usually stored electronically but may include paper records as well, so employers should use both physical and electronic data security methods.

Remedy maintain effective systems for storing HR data and comply with all relevant legislation. This document outlines our data retention policy and monitoring programme that’s communicated to all staff. Note that records are kept for as long as needed but no longer, and that records are destroyed securely. Our staff are kept informed and receive training about the legal issues involved and work in accordance with HR strategy.

**Remedy’s practice in accordance of the law**

**Access, storage, format and destruction**

From 25 May 2018, existing data protection duties in the UK were tightened up to adapt to the rapid expansion of technology and collection of data. The new Data Protection Act 2018 (DPA) incorporates the agreed provisions of the EU General Data Protection Regulation (GDPR) and applies to most HR records, whether held in paper, or digital format.

Data is not kept any longer than is necessary for legitimate purposes and is not excessive. Remedy in this case act as the data controller, and has systems in place to determine how long the data should be retained and when records should be destroyed.

Manual systems are organised into a relevant filing system. Remedy ensure they are data protection compliant and has designated a data protection officer, who is trained and helps to develop existing staff.

Subject to certain exceptions under the DPA, employees have the right to access their records and the employer must ensure that the data is accurate. Before releasing data to a third party, the employer must seek the individual’s permission.

The DPA and GDPR do not expressly change retention periods and do not set out any specific minimum or maximum periods.

As well as the DPA rules, employment contracts, accident record books and other personnel records may be needed in a legal action so are retained on file. Copies of original documents are usually available; when this is not possible Remedy can explain what happened to the originals backed up by what is known as a 'statement of truth'.

When Remedy no longer need to keep certain data, destruction takes place securely and effectively, for example by shredding.

The main UK legislation regulating statutory retention periods is summarised below. When in doubt, Remedy keep records for at least 6 years to cover the time limit for bringing any civil legal action.

**Stautory retention periods**

**Record types**

Accident books, accident records/reports - 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).

**Accounting records -** Statutory retention period: 3 years for private companies, 6 years for public limited companies.

**Coronavirus Job Retention Scheme** - Statutory retention period: 6 years for furlough records.

**First aid training -** Statutory retention period: 6 years after employment.

**Fire warden training -** Statutory retention period: 6 years after employment.

**Health and Safety representatives and employees’ training** - Statutory retention period: 5 years after employment.

**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.

**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.

**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.

**National minimum wage records -** Statutory retention period: 3 years after the end of the pay reference period following the one that the records cover.

**Payroll wage/salary records** (also overtime, bonuses, expenses) - Statutory retention period: 6 years from the end of the tax year to which they relate.

**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.

**Records relating to children and young adults** - Statutory retention period: until the child/young adult reaches the age of 21.

**Retirement Benefits Schemes** – Statutory retention period: 6 years from the end of the scheme year in which the event took place.

**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.

**VAT deferral (COVID-19)** – to support businesses through the COVID-19 pandemic, the government allowed VAT payments due between 20 March and 30 June 2020 to be deferred until 31 March 2021 - Statutory retention period: 6 years.

**Whistleblowing documents -** Statutory retention period: 6 months following the outcome (if a substantiated investigation). If unsubstantiated, personal data should be removed immediately..

**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.

**Coronavirus Job Retention Scheme -** Statutory retention period: 6 years for furlough records. The written furlough agreement should be retained for 5 years, but HMRC can retrospectively audit all claims, so employers should keep a copy of all records for 6 years minimum. This should include the amount claimed, the claim period, claim reference number, calculations, usual hours worked (including any calculations for furloughed employees) and actual hours worked for flexibly furloughed employees.

**Recommended (non-statutory) retention periods**

For many types of HR records, there is no definitive retention period. In such cases Remedy will decide how long to keep them.

