

Factsheet C25: Keeping Records

You can keep information about an employee as long as it is kept safe, secure and up to date. Data you can keep in relation to an employee includes:

- Name
- Address
- Date of birth
- Gender
- Education and qualifications
- Work experience
- National Insurance number
- Tax code
- Details of any known disability
- Emergency contact details
- Employment history with you as an employer (e.g. payroll information, application information, attendance records, end of employment information)
- Employment terms and conditions
- Accidents connected to work
- Training undertaken
- Disciplinary action to date

An employee should be told what records you are keeping and how they are to be used, that they are confidential, and if they are to be used for training and development at work. Your employee can ask you for copies of records you have regarding them and you will have 40 days to provide this information.



You should keep certain records regarding your employees in compliance with data protection laws, for a set period of time. Although there are set time periods, and these are explained below it is a good idea to keep these records for six years to cover the time limit for bringing any civil legal action against you, including National Minimum Wage claims or contractual claims.

Records you have that you must keep for a set period of time

Working Time: It is a good idea to keep records of the hours your employee works for you or when they are on holiday. It is required that you keep these for two years from the date they were made.

National Minimum Wage: any documents relating to this should be kept for three years after the end of the pay reference period following the one the records cover.

Sick Pay: You should keep records of when your employee is off sick and receive statutory sick pay; any documents relating to this should be kept for three years after the end of the tax year they relate to.

Maternity, Paternity, and Adoption Pay: Any documents relating to this should be kept for three years after the end of the tax year they relate to.

Payroll Records: This will include any records you have for mileage and expenses earned by your employee, as well as any payroll documents you have, and these should be kept for three years after the end of the tax year they relate to.



Retirement Benefits Schemes - Events: any documents you have relating to this should be kept for three years after the end of the tax year they relate to.

Workplace Accidents: You should keep a record of any accidents that happen at work and these should be kept for three years after the last date of entry. There are specific rules regarding hazardous substances. Should this occur, seek additional guidance.

Although the act does not state specific time periods for keeping other records, you must not keep data any longer than necessary for the purpose or purposes for which it is being processed, and you should eliminate personal information that is no longer of any relevance once the employment relationship has ended. You can find out more about keeping employees records online at: www.ico.gov.uk

If you require further information or would like this factsheet in an alternative format you can contact us by calling: 01508 491210, by emailing: info@equallives.org.uk, or by writing to: Equal Lives, 15 Manor Farm Barns, Fox Road, Framingham Pigot, Norfolk, NR14 7PZ.

