

HR Document Retention Policy

1 INTRODUCTION

- 1.1 This policy sets out how long employment-related information will normally be held by us and when that information will be confidentially destroyed.

2 RESPONSIBILITY

- 2.1 The Data Protection Compliance Manager is responsible for implementing and monitoring compliance with this policy.
- 2.2 They will undertake an annual review of this policy to verify that it is in effective operation.

3 OUR PROCESS

- 3.1 Information (hard copy and electronic) will be retained for at least the period specified in our Records Retention Schedule below.
- 3.2 All information must be reviewed before destruction to determine whether there are special factors that mean destruction should be delayed, such as potential litigation, complaints or grievances.
- 3.3 Subject to paragraph 3.2, hard copy and electronically-held documents and information must be deleted and destroyed at the end of the retention period.
- 3.4 Hard copy documents and information must be disposed of by placing in confidential waste bins.

4 RECORD RETENTION SCHEDULE

- 4.1 The Record Retention Schedule below accompanies and is incorporated into Devonshires' information security manual and policies. It sets out the time periods that different types of (employment-related) business records must be retained for business and legal purposes. This is a relatively lengthy document listing the many types of employment-related records used by Devonshires and the applicable retention periods for each record type.
- 4.2 The retention periods are based on business needs and legal requirements. If you maintain any types of records that are not listed in this Schedule, and it is not clear from the existing

record types in this Schedule what retention period should apply, please contact the Data Protection Compliance Manager for guidance.

4.3 Any deviation from the retention periods in this Schedule must be approved in advance by the Data Protection Compliance Manager.

5 EMPLOYMENT RECORDS

5.1 Personnel records

Record	Recommended retention period	Storage format	Reference	Basis for processing and retaining
<p>Rejected job applicant records, including:</p> <ul style="list-style-type: none"> Contact details Application letters or forms CVs References Certificates of good conduct Interview notes Assessment and psychological test results 	Twelve months after applicant is notified of rejection	Paper or electronic	<p>ICO Employment Practices Code para 1.7</p> <p>Equality Act 2010, s 123</p>	<p>Legitimate interests – may be necessary for bringing or defence of a claim. Period reflects time within which we should know whether claim is being brought given Tribunal limitation periods, processing times and discretion for time limits to be extended.</p> <p>To the extent that include special category personal data:</p> <p>Necessary for the establishment/exercise/defence of legal claims. Period reflects time within which we should know whether claim is being brought given Tribunal limitation periods, processing times and discretion for time limits to be extended.</p>
<p>Application records of successful candidates, including:</p> <ul style="list-style-type: none"> Application letters or forms Copies of academic and other training received References Correspondence concerning employment CVs 	Six years after employment ceases	Paper or electronic	Limitation Act 1980 (LA 1980), s 5	<p>Necessary in connection with performance of the employment contract.</p> <p>Legitimate interests – employee development</p> <p>Legitimate interests - may be necessary for bringing or defence of a claim. Period reflects limitation period for breach of contract claim which could be brought.</p> <p>To the extent that include special category personal data:</p> <p>Necessary for carrying out employment law rights or obligations</p>

<ul style="list-style-type: none"> • Interview notes and evaluation forms • Assessment and psychological test papers and results 				<p>Necessary for the establishment/exercise/defence of legal claims. Period reflects limitation period for breach of contract claim which could be brought.</p>
<p>Employment contracts, including:</p> <ul style="list-style-type: none"> • Personnel and training records • Written particulars of employment • Changes to terms and conditions 	<p>Six years after employment ceases, unless document executed as a deed, in which case 12 years after employment ceases</p>	<p>Paper or electronic</p>	<p>LA 1980, ss 5, 8</p>	<p>Necessary in connection with performance of employment contract</p> <p>Necessary to comply with legal obligations</p> <p>Legitimate interests – employee development and proof of compliance with regulatory obligations e.g. CPD</p> <p>Legitimate interests - may be necessary for bringing or defence of a claim. Period reflects limitation period for breach of contract claim which could be brought.</p> <p>To the extent that include special category personal data:</p> <p>Necessary for carrying out employment law rights or obligations</p> <p>Necessary for the establishment/exercise/defence of legal claims. Period reflects limitation period for breach of contract claim which could be brought.</p>
<p>Copies of identification documents (eg passports)</p>	<p>Not less than two years from date of termination of employment</p>	<p>Paper or electronic</p>	<p>Immigration (Restrictions on Employment) Order SI 2007/3290, Art 6(1) (b)</p>	<p>Compliance with legal obligation</p>
<p>Records on our HR system</p>	<p>Basic details such as Job title, start date and end date will be kept beyond six years for the purpose of employment references.</p>	<p>Electronic</p>	<p>LA 1980, ss 5, 8</p>	<p>Necessary in connection with performance of employment contract</p> <p>Necessary to comply with legal obligations</p> <p>Legitimate interests - employee development and proof of compliance with regulatory obligations e.g. CPD</p> <p>Legitimate interests – may be necessary for bringing or defence of a claim. Period reflects limitation period for breach of contract claim which could be brought.</p>

				<p>Legitimate interests – provision of accurate reference information</p> <p>To the extent that include special category personal data:</p> <p>Necessary for carrying out employment law rights or obligations</p> <p>Necessary for the establishment/exercise/defence of legal claims. Period reflects limitation period for breach of contract claim which could be brought.</p>
Identification documents of foreign nationals (including right to work)	Not less than two years from date of termination of employment	Paper or electronic	Immigration (Restrictions on Employment) Order SI 2007/3290, art 6(1)(b)	Compliance with legal obligation
Records concerning a temporary worker	Six years after employment ceases	Paper or electronic	LA 1980, s 5	<p>Necessary in connection with performance of worker contract</p> <p>Compliance with legal obligation – e.g. monitor and determine application of Agency Worker Regulations 2010</p> <p>Legitimate interests – consideration of suitability for permanent position, compliance with agency contract</p> <p>Legitimate interests – may be necessary for bringing or defence of a claim. Period reflects limitation period for breach of contract claim which could be brought.</p> <p>To the extent that include special category personal data:</p> <p>Necessary for carrying out employment law rights or obligations</p> <p>Necessary for the establishment/exercise/defence of legal claims. Period reflects limitation period for breach of contract claim which could be brought.</p>
Employee performance and conduct records, including:	Six years after employment ceases	Paper or electronic	LA 1980, s 5 See Practice Note: Regulatory references	<p>Necessary in connection with performance of employment contract</p> <p>Legitimate interests – employee development and management</p>

<ul style="list-style-type: none"> • Probationary period reviews • Review meeting and assessment interviews • Appraisals and evaluations • Promotions and demotions 			<p>under the SM&CR and SIMR</p>	<p>Necessary to comply with legal obligations</p> <p>Legitimate interests – provision of accurate reference information</p> <p>Legitimate interests – may be necessary for bringing or defence of a claim. Period reflects limitation period for breach of contract claim which could be brought.</p> <p>To the extent that include special category personal data:</p> <p>Necessary for carrying out employment law rights or obligations</p> <p>Necessary for the establishment/exercise/defence of legal claims. Period reflects limitation period for breach of contract claim which could be brought.</p>
<p>Redundancy records</p>	<p>Six years from date of redundancy</p>	<p>Paper or electronic</p>	<p>LA 1980, s 5</p>	<p>Necessary in connection with performance of employment contract</p> <p>Necessary to comply with legal obligations e.g. calculation of statutory redundancy pay</p> <p>Legitimate interests in order to defend a claim. Limitation period for breach of contract is 6 years.</p>
<p>Annual leave records</p>	<p>Six years after employment ceases</p>	<p>Paper or electronic</p>	<p>LA 1980, s 5</p>	<p>Necessary in connection with performance of employment contract</p> <p>Necessary to comply with legal obligations</p> <p>Legitimate interests in ensuring entitlement is not exceeded</p> <p>Legitimate interests in order to defend a claim. Limitation period for breach of contract is 6 years</p>
<p>Parental leave records</p>	<p>Six years after employment ceases</p>	<p>Paper or electronic</p>	<p>LA 1980, s 5</p>	<p>Necessary in connection with performance of employment contract</p> <p>Necessary to comply with legal obligation</p> <p>Legitimate interests in ensuring entitlement is not exceeded, and should future employer want to establish remaining entitlement</p> <p>Legitimate interests in order to defend a claim. Limitation period for breach of contract is 6 years.</p>

Sickness records	Six years after employment ceases	Paper or electronic	LA 1980, s 5	<p>Necessary in connection with performance of employment contract</p> <p>Compliance with legal obligation e.g. SSP eligibility and/or health & safety</p> <p>Legitimate interest in employee wellbeing/welfare</p> <p>Legitimate interest in ensuring accurate reference information</p> <p>Legitimate interests in order to defend a claim. Limitation period for breach of contract is 6 years.</p> <p>To the extent that include special category personal data:</p> <p>Necessary for carrying out employment law rights or obligations</p> <p>Necessary for the establishment/exercise/defence of legal claims. Period reflects limitation period for breach of contract claim which could be brought.</p>
Records of return to work meetings following sickness, maternity etc	Six years after employment ceases	Paper or electronic	LA 1980, s 5	<p>Legitimate interests – employee welfare/wellbeing/development/management</p> <p>Legitimate interests in order to defend a claim. Limitation period for breach of contract is 6 years.</p>

Record	Recommended retention period	Storage format	Reference	Basis for processing and retention
Records for the purposes of tax returns including wage or salary records, records of overtime, bonuses and expenses	Six years after employment ceases	Paper or electronic	Taxes Management Act, 1970 s 12B Finance Act 1998, Schedule 18, para 21	Performance of employment contract Compliance with legal obligation Legitimate interests in order to defend a claim. Limitation period for breach of contract is 6 years.
Pay As You Earn (PAYE) records, including: <ul style="list-style-type: none"> • Wage sheets • Deductions working sheets • Calculations of the PAYE income of employees and relevant payments 	Six years after employment ceases	Paper or electronic	Income Tax (Pay As You Earn) Regulations 2003, SI 2003/2682, reg 97	Performance of employment contract Compliance with legal obligation Legitimate interests in order to defend a claim. Limitation period for breach of contract is 6 years.
Income tax and NI returns, income tax records and correspondence with HMRC	Six years	Paper or electronic	Income Tax (Employments) Regulations 1993, SI 1993/744, reg 55	Performance of employment contract Compliance with legal obligation
Records demonstrating compliance with national minimum wage requirements	Six years	Paper or electronic	National Minimum Wage Regulations 2015, SI 2015/621, reg 59	Performance of employment contract Compliance with legal obligation Legitimate interests in order to defend a claim. Limitation period for breach of contract is 6 years.
Details of benefits in kind, income tax records (P45, P60, P58, P48 etc), annual return of taxable pay and tax paid	Six years after employment ceases	Paper or electronic	Taxes Management Act 1970	Performance of employment contract Compliance with legal obligation Legitimate interests in order to defend a claim. Limitation period for breach of contract is 6 years.
Employee income tax and national insurance returns and associated HMRC correspondence	Six years	Paper or electronic	Income Tax (Pay as You Earn) Regulations 2003, SI 2003/2682, reg 97	Performance of employment contract Compliance with legal obligation

				Legitimate interests in order to defend a claim. Limitation period for breach of contract is 6 years.
Statutory sick pay (SSP) records	Six years	Paper or electronic	The requirement to maintain SSP records for three years after the end of the tax year to which they relate was revoked in 2014, but an employer may still be required by HMRC to produce such records as are in his possession or power which contain, or may contain, information relevant to satisfy HMRC that statutory sick pay has been and is being paid. The Statutory Sick Pay (General) Regulations 1982, SI 1982/894, reg 13(A)	Performance of employment contract Compliance with legal obligation Legitimate interests in order to defend a claim. Limitation period for breach of contract is 6 years.
Wages or salary records (including overtime, bonuses and expenses)	Six years	Paper or electronic	Taxes Management Act 1970, s 43	Performance of employment contract Compliance with legal obligation Legitimate interests in order to defend a claim. Limitation period for breach of contract is 6 years.
Records relating to hours worked and payments made to workers	Six years	Paper or electronic	National Wage Act 1998, s 9 The National Wage Regulations 2015, reg 59	Performance of employment contract Compliance with legal obligation Legitimate interests in order to defend a claim. Limitation period for breach of contract is 6 years.
Statutory maternity, paternity and shared parental pay records, calculations, certificates or other evidence	Six years after employment ends	Paper or electronic	Statutory Maternity Pay (General) Regulations 1986, SI 1986/1960, reg 26	Performance of employment contract Compliance with legal obligation Legitimate interests in order to defend a claim. Limitation period for breach of contract is 6 years.