



Working remotely has highlighted the need to 'go digital'. With our HR files, which include employment contracts – if we scan these and save these digitally as un-editable PDFs, are we able to destroy the original hard copies?

Employment Records - Data Protection

Whether employment records are held in hard or soft copy form Employers should apply security standards that take account of the risks of unauthorised access to, accidental loss or destruction of, or damage to employment records. The below bullet point guidance applies to both hard and soft copy employment records:

Employers should:

- Review who in the organisation has access to employment records and decide whether it is necessary for everyone who currently has access to retain it.
- Remove access rights from those who have unnecessary or over-extensive access to personal information about others.
- Make sure that manual files are held in locked cabinets and that computerised records are password protected. Access to the keys or passwords should be limited to those who should have access.
- Ensure that staff who have access to employment records:
 - have been appropriately trained and continue to receive refresher training so that they understand their obligations; and
 - have appropriate provision in their employment contracts concerning confidential information and the unauthorised disclosure and use of personal information.
- Control the circumstances in which employment records are taken away from the employer's premises (for example, on a laptop) by ensuring that only the necessary information is taken and that there are security procedures for staff to follow. The procedure should identify the information that may be taken off site, and should require use of security passwords and other protective measures. Where a laptop is taken off site, steps should be taken to ensure that the laptop is kept in view or secured at all time.
- Take account of the risks of transmitting confidential employee information, for example by email. Only transmit information between secure networks, use password protection or encryption to ensure security, ensure emails are permanently deleted from inboxes and where possible ensure that they are also permanently deleted from servers.

Deletion of hard copy records

Unless the employee's contract of employment specifically states that employment records will be kept in hard copy rather than soft copy form, there is nothing to prevent an employer moving to the retention of records in soft copy form only. If employment contracts do state that employment records will be kept in hard copy rather than soft copy form, the employer should inform its employees of its desire to move towards soft copy storage only. In this communication it should indicate how it intends to keep these records secure so as to limit any push back from employees (see guidance above). A further step would be to offer employees the option to object to this change if they felt strongly about the way their employment records were to be retained. If the reasoning for this change is made clear and the employer reassures the employee that it will take the precautions with the soft copy documents as outlined above it would seem unlikely that an employee would feel strongly about this change.

Retention of employment records – general

While records should only be retained for a particular purpose and should not be kept for longer than is necessary for that purpose (in observance of the data protection principles) this does not rule out keeping information to protect against legal risk. The table below gives an indication of the lengths of time for which employment records can be kept by an Employer. However, an Employer should lay out these retention periods within a policy document, such as an employee or applicant privacy policy.

Type of employment record	Suggested Retention period
Recruitment records	
These may include: Completed online application forms or CVs. Equal opportunities monitoring forms. Assessment exercises or tests. Notes from interviews and short-listing exercises. Pre-employment verification of details provided by the successful candidate. For example, checking qualifications and taking up references. (These may be transferred to a successful candidate's employment file.) Criminal records checks. (These may be transferred to a successful candidate's employment file if they are relevant to the ongoing relationship.)	Six months after notifying candidates of the outcome of the recruitment exercise.

Immigration checks	Three years after the termination of employment.
Contracts	
These may include: Written particulars of employment. Contracts of employment or other contracts. Documented changes to terms and conditions.	While employment continues and for seven years after the contract ends.
Collective agreements	
Collective workforce agreements and past agreements that could affect present employees	Any copy of a relevant collective agreement retained on an employee's record will remain while employment continues and for seven years after employment ends.
Payroll and wage records	
Payroll and wage records. Details on overtime. Bonuses. Expenses. Benefits in kind.	These must be kept for at least three years after the end of the tax year to which they relate. However, given their potential relevance to pay disputes they will be retained for seven years after employment ends.
Current bank details	Bank details will be deleted as soon after the end of employment as possible once final payments have been made.
PAYE records	These must be kept for at least three years after the end of the tax year to which they relate. However, given their potential relevance to pay disputes they will be retained for seven years after employment ends.
Payroll and wage records for companies	These must be kept for six years from the financial year-end in which payments were made. However, given their potential relevance to pay disputes they will be retained for seven years after employment ends.
Payroll and wage records for unincorporated businesses	These must be kept for five years after 31 January following the year of assessment. However, given their potential relevance to pay disputes they can be retained for seven years after employment ends.
Records in relation to hours worked and payments made to workers	These must be kept for three years beginning with the day on which the pay reference period immediately following that to which they relate ends. However, given their potential relevance to pay disputes they will be retained for seven years after the working relationship ends.

Travel and subsistence	While employment continues and for seven years after employment ends.
Record of advances for season tickets and loans to employees	While employment continues and for seven years after employment ends.
Personnel records	
These include: Qualifications/references. Consents for the processing of special categories of personal data. Annual leave records. Annual assessment reports. Disciplinary procedures. Grievance procedures. Death benefit nomination and revocation forms. Resignation, termination and retirement.	While employment continues and for seven years after employment ends.
Records in connection with working time	
Working time opt-out	Three years from the date on which they were entered into.
Records to show compliance, including: Time sheets for opted-out workers. Health assessment records for night workers.	Three years after the relevant period.
Maternity records	
These include: Maternity payments. Dates of maternity leave. Period without maternity payment. Maternity certificates showing the expected week of confinement.	Four years after the end of the tax year in which the maternity pay period ends.
Accident records	
These are created regarding any reportable accident, death or injury in connection with work	For at least four years from the date the report was made.