



HR Record Retention Requirements - South Africa

Note: The Companies Act 71 of 2008 (Sec. 24) includes a general requirement that "Any documents, accounts, books, writing, records or other information that a company is required to keep in terms of [the Companies Act] or any other public regulation must be kept...for a period of seven (7) years," or longer, if specified in an applicable public regulation. Most South African employers are subject to the Companies Act (sole proprietorships (subject to certain factors), partnerships and voluntary associations are excluded).

*South Africa			
DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
EMPLOYMENT RECORDS			
Contracts (new hire agreements, severance, etc.)	Minimum 3 years (including mandatory "written particulars of employment" under BCEA); Minimum 7 years if Companies Act applies	From termination	Basic Conditions of Employment Act (BCEA) 75 of 1997, Sec. 29(4); Companies Act 71 of 2008, Sec. 24
Time records (work hours, rest periods, vacation/sick/holiday, etc.)	Minimum 3 years; Minimum 7 years if Companies Act applies	From date of last entry in record	Basic Conditions of Employment Act (BCEA) 75 of 1997, Sec. 31 (2); Companies Act 71 of 2008, Sec. 24
Performance records (performance reviews, promotions/demotions, licenses/certifications, investigations, disciplinary actions, etc.)	No longer than necessary for purpose; Minimum 7 years if Companies Act applies	From date of record	Best practice based on Protection of Personal Information Act (POPIA), Sec. 14(1); Companies Act 71 of 2008, Sec. 24
Data and personnel files	Record of employee's name, occupation, time worked, remuneration paid, date of birth if under 18 years of age, etc.: Minimum 3 years; Minimum 7 years if Companies Act applies	From date of last entry in record	Basic Conditions of Employment Act (BCEA) 75 of 1997, Sec. 31; Companies Act 71 of 2008, Sec. 24
Government verification records (work papers, immigration, eligibility to work, etc.)	Applicable only to foreign employees: 2 years; Minimum 7 years if Companies Act applies	From end of foreign employment	Immigration Act, Sec. 38; Regulation 35 of GNR 413 in Government Gazette No. 37679, 22 May 2014; Companies Act 71 of 2008, Sec. 24

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DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
EMPLOYMENT RECORDS (continued)			
Collective bargaining/union	<p>List of members and meeting minutes: 3 years;</p> <p>Collective agreement: 3 years; Minimum 7 years if Companies Act applies;</p> <p>Details of any strike, lockout or protest action involving employees: No longer than necessary for purpose; Minimum 7 years if Companies Act applies</p>	<p>List of members and meeting minutes: From end of financial year to which records relate;</p> <p>Collective agreement: From date of event or end of period to which records relate;</p> <p>Details of any strike, lockout or protest action involving employees: From date of record</p>	Labour Relations Act (LRA) 1995, Secs. 99(a), 99(b), 205(2)(a) and 205(3)(a); Companies Act 71 of 2008, Sec. 24
Background checks and drug tests	No longer than necessary for purpose; Minimum 7 years if Companies Act applies	From date of record	Best practice based on Protection of Personal Information Act (POPIA), Sec. 14(1); Companies Act 71 of 2008, Sec. 24
Acknowledgements, policy agreements and required notices	Not prescribed; Minimum 7 years if Companies Act applies	From date of record	Companies Act 71 of 2008, Sec. 24
Recruitment (interview notes, resumes/CVs, reference checks, etc.)	Retain for a reasonable period of time after position is filled and no longer than necessary for purpose; Minimum 7 years if Companies Act applies	From date of record	Best practice based on Protection of Personal Information Act (POPIA), Sec. 14(1); Code of Good Practice on the Integration of Employment Equity into Human Resource Policies and Practices, 2005, Item 7.3.28; Companies Act 71 of 2008, Sec. 24
Tracking/recordings (biometric, geo-location, online tracking, camera recordings, etc.)	No longer than necessary for purpose; Minimum 7 years if Companies Act applies	From date of record	Best practice based on Protection of Personal Information Act (POPIA), Sec. 14(1); Companies Act 71 of 2008, Sec. 24
BENEFIT/PENSION/EQUITY RECORDS			
Benefits (plan documents, enrollment records)	Not prescribed; Minimum 7 years if Companies Act applies	N/A	N/A; Companies Act 71 of 2008, Sec. 24

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DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
BENEFIT/PENSION/EQUITY RECORDS (continued)			
Pension and retirement records	Remuneration records reflecting pension contributions and deductions (for income tax compliance): Minimum 5 years, No maximum;	Remuneration records: From date of submission of tax return or from end of tax period;	Tax Administration Act 28 of 2011, Sec. 29(3)(a); Basic Conditions of Employment Act (BCEA), Sec. 31(1)(e); Companies Act 71 of 2008, Sec. 24
	For basic conditions of employment compliance purposes: Minimum 3 years, no maximum period;	For basic conditions of employment: From date of last entry in the record	
	Minimum 7 years if Companies Act applies		
Equity records	Copy of employment equity plan and copy of Sec. 21 of EEA Report: 5 Years; Minimum 7 years if Companies Act applies	Employment equity plan: After plan expiration; Sec. 21 of EEA report: After report submitted to Director General	Employment Equity Act Regulations 2014, Regulation 9(3) and 10(9); Companies Act 71 of 2008, Sec. 24
PAYROLL/WAGE/TAX RECORDS			
Payroll and wage data (payslips, etc.)	Minimum 3 years;		Basic Conditions of Employment Act (BCEA) 75, Sec. 31; No. 130 of 1993: Compensation for Occupational Injuries and Diseases Act as amended by Compensation for Occupational Injuries and Diseases Amendment Act, No. 61 of 1997, Sec. 81; Companies Act 71 of 2008, Sec. 24
	Register or Record of Earnings (including wages, hours worked, overtime, and accident book): Minimum 4 years, Recommended practice by Labour Department is 7 years; Minimum 7 years if Companies Act applies	From date of last entry in record	
Tax records	Minimum 5 years; Minimum 7 years if Companies Act applies	From date of filing and from end of tax period	The Income Tax Act of 1962, Fourth Schedule, Sec. 14(1); Tax Administration Act, No. 28 of 2011, Ch. 4, Returns and Records, Sec. 29 (3); Companies Act 71 of 2008, Sec. 24
Miscellaneous 1	Income Differentials (under Employment Equity Act): 5 years; Minimum 7 years if Companies Act applies	After submitted to Employment Conditions Commission	Employment Equity Act of 1998, Sec. 27; 2014 Regulations, Reg. 12(3); Companies Act 71 of 2008, Sec. 24

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DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
MEDICAL/SAFETY/LEAVE RECORDS			
Leave (family, medical, etc.)	No statutory retention period, best practice 3 years; Minimum 7 years if Companies Act applies	From termination	Best practice; Companies Act 71 of 2008, Sec. 24
Injury and illness incident reports	Minimum 3 years; Minimum 7 years if Companies Act applies	From date of record	General Administrative Regulations 2003, Reg. 929; Occupational Health and Safety Act (OHSA) Reg. 9; Companies Act 71 of 2008, Sec. 24
Medical records	No statutory retention period, best practice 3 years; Medical, psychological and similar assessments: Minimum 1 year (note, these records are generally prohibited); Minimum 7 years if Companies Act applies	General: From termination; Medical, psychological and similar assessments: From date of assessment	Best practice; Code of Good Practice on the Integration of Employment Equity into Human Resource Policies and Practices, 2005, Item 10; Companies Act 71 of 2008, Sec. 24
Hazardous material and other exposure records	Hazardous biological agent risk assessments, medical surveillance and monitoring: Minimum 40 years; Hazardous chemical agent surveillance records: Minimum 30 years	From date of record	Regulation 1390: Regulations for Hazardous Biological Agents, 2001, Art. 9; Regulations 1179: Hazardous Chemical Substances Regulations, 1995, Art. 9
Miscellaneous 1	Records of health and safety committee (where applicable): Minimum 3 years; Minimum 7 years if Companies Act applies	From date of record	Occupational Health and Safety Act 85 of 1993 (OHSA), Reg. 5; Companies Act 71 of 2008, Sec. 24

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