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# Data Retention Guidelines

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## Disclaimer:

This document is a guideline about data retention and therefore proposes data retention periods according to the laws, but also according to the recommendations of the data protection supervisory authorities. The elements displayed in this document are only accurate at the current date of production of the document: 29<sup>th</sup> May 2019. The key statutes described in the first section are in no way exhaustive.

## Concerned countries

Belgium	BE
Switzerland	CH
Germany	DE
Spain	ES
France	FR
Ireland	IE
Italy	IT
Netherlands	NL
Poland	PL
Portugal	PT
Romania	RO
United Kingdom	UK
Russia	RU

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## Key Data Retention statutes:

DISCLAIMER: The content of this section is not exhaustive and may change from time to time as a result of changes in legislation.

### Belgium

General statutes for data retention in the Belgian legislature:

- Belgian Companies Code (Article 195)
- Act of 17 July 1975 regarding companies' accountancy (Articles 6 and 8)
- Law of 8 December 1992 (Article 4)

Special statutes to take into consideration:

- Companies' accountancy: Article 9 of the Royal Decree of 12 September 1983, regarding the execution of the Act of 17 July 1975, concerning companies' accountancy
- Social law: Articles 22 to 25 of the Royal Decree of 8 August 1980, regarding the maintenance of employment-related documents
- Tax law: Articles 315 and 315bis of the Belgian Income Tax Code
- Article 60 Para. 3 of the Belgian VAT Code
- Article 9 of the Royal Decree of 10 December 1969, regarding the rules governing deductions for the application of VAT

### Switzerland

General statutes for data retention in the Swiss legislature:

- Swiss Code of Obligations (SR 220, CO) Articles 957 et seq
- Ordinance on the Management and Record of Accounting Books (SR 221.431).

Special statutes to take into consideration:

- Article 70 of the Swiss Value-Added Tax Act
- Article 42 of the Swiss Value-Added Tax Act
- Social Security law
- Customs requirements
- Product declaration
- Environmental law

### Germany

General statutes for data retention in the German legislature:

- Sec. 147 of the Fiscal Code
- Sec. 257 of the Commercial Code
- Sec. 35 of the Federal Data Protection Act
- Sec. 195 German Civil Code

Special statutes to take into consideration:

- *Grundsätze zum Datenzugriff und zur Prüfbarkeit digitaler Unterlagen (GdPDU)*

### Spain

General statutes for data retention in the Spanish legislature:

- Commercial Law
- Personal Data Protection Draft Act 2017
- Royal Decree 1784/19 July 1996, which concerns Commercial Registry Regulation (RRM), especially Article 377

Special statutes to take into consideration:

- Article 66 Spanish Law 58/17 December 2003, regarding General Tax Law (LGT);
- Article 21 Royal Decree 5/4 August 2000, regarding Infringement and Sanctions Social Law (LISOS);
- Article 25 of Law 10/28 April 2010, regarding the Prevention of Money Laundering and Financing of Terrorism (LPBCFT); and
- Article 5 Law 25/2007, regarding Data Protection in Electronic Communications.

## France

General statutes for data retention in the French legislature:

- The French Code of Commerce
- The French Civil Code
- French Post and electronic communications Code,
- French Consumer Code,
- French Tax Procedure Handbook,
- French Social Security Code,
- French Criminal Code.
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Special statutes to take into consideration:

- Labor law
- Insurances and banking regulation

## Ireland

General statutes for data retention in the Irish legislature:

- Statute of Limitations Act, 1957 – 2010
- Irish Data Protection Acts 1988 and 2003

Special statutes to take into consideration:

- E-Commerce Act, 2000 (the “EC Act”)

## Italy

General statutes for data retention in the Italian legislature:

- Articles 2214 to 2220 of the Italian Civil Code
- Article 39 of Presidential Decree, 26 October 1972, n. 633
- Article 22 of Presidential Decree 29 September 1973, n. 600

Special statutes to take into consideration:

- Decree of the Minister of Finance, 23 January 2004
- Social security law

## The Netherlands

General statutes for data retention in the Dutch legislature:

- General Tax Act (*Algemene Wet inzake rijksbelastingen*)
- Dutch Civil Code (*Burgerlijk Wetboek*)
- Gegevensbescherming

Special statutes to take into consideration:

- Act on the prevention of Money Laundering and Financing Terrorism (*Wet ter voorkoming van witwassen en financieren van terrorisme*)
- Medical Treatment Act (*Wet op de geneeskundige behandelingsovereenkomst*)
- Decree on Prudential Rules for Financial Undertakings (*Besluit prudentiële regels Wet financieel toezicht*)
- Wage Withholding Tax Act 1964 (WWTA) (*Wet op de Loonbelasting 1964*)

## Poland

General statutes for data retention in the Polish legislature:

- Bookkeeping Act of 29 September 1994
- Personal Data Protection Act of 29 August 1997

Special statutes to take into consideration:

- Tax Ordinance Act of 29 August 1997
- National Archive Resources and Archives Act of 14 July 1983
- Labor Code of 26 June 1974
- Social Security System Act of 13 October 1998
- Civil Code of 23 April 1964
- Insurance Activity Act of 22 May 2003
- Transactions on Financial Instruments Act of 29 July 2005
- Act on Prevention of Money Laundering Practices and Financing of Terrorism of 16 November 2000

## Portugal

General statutes for data retention in the Portuguese legislature:

- Commercial Code approved by Official Letter of 28 June 1888, as amended
- Portuguese Civil Code approved by Decree-Law 47344, of 25 November 1966, as amended (particularly, the rules on statutes of limitation)

Special statutes to take into consideration:

- Portuguese Labor Code, approved by Law 7/2009, of 12 February 2009, and as amended from time to time, including by Law 105/2009, of 14 September 2009
- Law 102/2009, of 10 September 2009 on health and safety rules at workplace
- Decree-Law 28/2019, of 15 February 2019 on processing of invoices and retention deadlines of books, records and financial accounting documents
- Law 83/2017, of 18 August 2017, which establishes measures to combat money laundering and terrorist financing
- Decree-Law 24/2014, of 14 February 2014 on distance and off-premises contracts
- Electronic Communications Law approved by Law 5/2004, of 10 February 2004
- Portuguese Data Protection Authority's Guidelines dated 27 July 2017 on retention deadlines in electronic communications
- Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorization and Restriction of Chemicals (REACH)
- Decree-Law 178/2006, of 5 September 2006 on waste management rules
- Decree-Law 210/2009, of 3 September 2009 approving the legal framework for the constitution, management and functioning of the "Waste Organized Market"
- Decree-Law 156/2013, of 5 November 2013 approving the framework for the responsible and safe management of spent fuel and radioactive waste
- Decree-Law 150/2015, of 5 August 2015 approving the regime for the prevention of serious accidents involving dangerous substances and the limitation of their consequences to individuals and the environment
- Ordinance 145/2017, of 26 April 2017 on waste management electronic documents
- Decree-Law 183/2009, of 10 August 2009 on the landfill of waste
- Decree-Law 12/2011, of 24 January 2011 establishing a framework for the setting of eco-design requirements for energy-related products
- Decree-Law 118/2013, of 20 August 2013 on the energy performance of buildings, and the Ordinance 349-A/2013, of 29 November 2013 on the powers of the operator authority of the energy performance of buildings

- Decree-Law 12/2011, of 10 September 2011, implementing the obligations provided for in the Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonized conditions for the marketing of construction products
- Decree-Law 42 -A/2016, of 12 August 2016 on Environmental Fund
- Decree-Law 167/2008, of 26 August 2008 on legal framework for public subsidies
- Decree-Law 47/2017, of 10 May 2017 approving the regime for the assessment of ambient air quality

## Romania

General statutes for data retention in the Romanian legislature:

- Accountancy Law no. 82/1991
- National Archives Law no. 16/1996

Special statutes to take into consideration:

- Order no. 3512/2008 on financial accounting documents, approving the Methodological Norms for drafting and using financial accounting documents
- Companies Law no. 31/1990
- Fiscal Code
- Fiscal Procedure Code
- Government Decision no. 355/2007 on the surveillance of workers health
- Government Decision no. 1875/2005 on the on the protection of health and security of workers regarding the risks of eGXOsure to asbestos
- Methodological Normative of 2003 regarding the operational radioprotection on non destructive control practice with ionized radiation
- Law no. 211/2011 on waste management
- Government Ordinance no. 195/2005 on Environmental Protection Order 1084/2003

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## The United Kingdom

General statutes for data retention in the British legislature:

- Sec. 5 of the Limitations Act 1980
- Sec. 248, 355, 388 and 702 of the Companies Act 2006
- Sec. 12B of the Taxes Management Act 1970
- Sec. 11 of the VAT Act 1994
- Sec.1 of the Consumer Protection Act 1987
- Data Protection Act 2018

Special statutes to take into consideration:

- Companies Act 2006
- Data Protection Act 2018
- Sec. 3 of the Public Records Act 1958

## Russia

All the records of personal data must be archived as hard copies as per Russian regulation. Generally, electronic retention of documents is not authorized except for specific accounting and tax calculation documents.

The records must be kept on Russian soil for the entire duration of the retention decided by either the entity or forced by law. However, the entity can request an authorization to retain the data in a foreign court.

In some specific cases defined by Russian regulation, documents and therefore personal data should be retained permanently





General statutes for data retention in the Russian legislature:

- Federal law On Archiving in the Russian Federation, № 125-ФЗ, 22 October 2004

Special statutes to take into consideration:

- Federal law On Accountancy, № 402-ФЗ, 6 December 2011
- Tax Code
- Federal law On Personal Data, № 152-ФЗ, 27 July 2006
- Federal laws regulating different types of legal entity (Limited Liability Company, Joint Stock Company...)

## Key Retention Times

### European General Company Records Data Retention Guidelines

The following table summarises the main data retention recommendations for general company records in Europe:

General company records	BE	CH	DE	ES	FR	IE	IT	NL	PL	PT	RO	UK	RU
• General obligation for retention of company accounts, books of account and records	7-10y	10y	10y	6y	10y	6y	10y	7y	5y	10y	10y	3-6y	5y
• Shareholders' resolution, Articles of incorporation, Shareholders' register, Board resolutions, Standing orders, Boards' and shareholders' meetings minutes, Supervisory Board's rules of procedure, Supervisory Council's Rules of procedure	5y	10y	6y - P	P+6y	5y*	13y - p*	10y	P+7y	P+5y	10y	P	S	5y
• Financial statements, audit reports, etc.	7-10y	10y	10y	6y	10y	-	10y	7y	P	10-12y	P	3-6y	5y
• Profit and loss accounts	7-10y	10y	10y	6y	10y	-	10y	7y	5y	10-12y	10y	3-6y	5y
• Records and documents of the dissolved legal entity	5y	10y	10y	P+6y	5y*	7y - P*	10y	7y	5y	10-12y	10y	S	5y
• Membership records in a cooperative association	P+5y*	-	3y	6y R	-	-	10y	10y	-	-	P	S	5y
• Subsidy records and documents	D*	10y	-	6y	10y	-	10y	7y	10y	10-12y	10y	S	5y

#### Legend

**Black text:** Minimum retention period

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\*: Recommended retention period by authorities or best practice.

x: Retention prohibited.

**D:** Duration of the contract or permit.

**x – z:** From x years to z years (can also apply for wks and months)

**P:** For the entire duration of the company and/ or permanently.

**R:** As long as required for the relevant purpose.

**S:** Situation specific or too detailed for the scope of the summary and/or guide.

**+:** In addition to the first duration.

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Duration: wks (weeks), m (months), y (year).

**TBC:** retention time to be confirmed

## European Payroll and Salary Records Data Retention Guidelines

The following table summarises the main data retention recommendations for Payroll and Salary Records in Europe:

Payroll and salary records	BE	CH	DE	ES	FR	IE	IT	NL	PL	PT	RO	UK	RU
<ul style="list-style-type: none"> <li>The withholding agent (generally the employer) must keep an administration of wages, including tax-exempt reimbursements. In addition, the employer needs to inform the employee on an annual basis of the total amount of wages earned, wage withholding tax, and social security withheld.</li> </ul>	5y	10y	6-10y	10y	3-5y*	6y	4-5y	7y	5y	5-10y	50y	3-6y	75y
<ul style="list-style-type: none"> <li>A company needs to include information about employees in its administration, including name, date of birth, tax registration number and address. In addition, requests from employees to apply a wage withholding tax discount must be retained in the company's administration.</li> </ul>	S	10y	-	10y	5y	3y - D+7y	4-5y	5y	5y	5y	-	-	75y
<ul style="list-style-type: none"> <li>Payroll records (wages, tax and social security records, payslips, overtime compensation, bonuses, expenses, benefits in kind)</li> </ul>	5y	10y	10y	D+4y	3-5y 5y	3y - D+7y	4-5y	7y	50y R	10-12y	50y	3-6y	75y
<ul style="list-style-type: none"> <li>Severance pay records (e.g. notification to and consent of the competent authorities regarding dismissal, decisions of the court regarding dismissal, correspondence with the competent authorities regarding dismissal, outplacement records, calculations of termination payments)</li> </ul>	R	-	R	R	R	R	4-5y	R	50y R	5y*	-	R	75y

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## European Human Resources Data Retention Guidelines

The following table summarises the main data retention recommendations for Human Resources Records in Europe:

Hr/employment/pension records	BE	CH	DE	ES	FR	IE	IT	NL	PL	PT	RO	UK	RU
• Employment contract	S	10y	-	D+4y	5y*	D+7y*	10y*	7y	50y	5y*	10y	D+6y	75y
• Identification documents of foreign nationals	D+1y* R	-	1y	D+4y	-	D+7y*	10y*	5y	-	-	-	2y	75y
• Business data and documents concerning pension schemes and related subjects	D*	10y	6y	4y	5y*	P	10y*	7y	-	5y*	10y	6y	75y
• Administration regarding pension scheme (by pension administrator and pension association)	5y	10y	6y	4y	5y*	P	10y*	7y	50y	5y*	10y	6y	75y
• Pension plans and schemes, career and talent development programmes, diversity programmes, other HR policies (e.g. alcohol and drugs policy, HIV/AIDS policy, personnel handbook), social plans	D*	R	-	4y	5y*	P	10y*	-	-	5y*	-	6y	75y
• Data of rejected job applicants (e.g. application letters, CVs, references, certificates of good conduct, job interview notes, assessment and psychological test results)	R	R	R	3y R	2y*	18m	R	4 wks- 1y	R	5y	-	6m*	75y
• Data concerning a temporary worker	5y R	10y	2y R	D+4y R	D*	D+ 18m R	R	2y	50y R	5y*	-	D+6y	75y
• Reports on employee performance review meetings and assessment interviews (e.g. evaluations, employment application forms of successful applicants, copies of academic and other training received, employment contracts and their amendments, correspondence concerning appointment, appraisals, promotions and demotions, agreements concerning activities in relation to the works council, references, and sick leave records)	D+1y* R	10y	R	D+4y R	D*	D+7y R	R	2y	50y R	5y	-	D+6y	75y
• Employee stock purchase and options records	5y R	10y	R	D+4y R	-	P R	R	2y	50y R	5y*	-	S	75y
• Copies of identification document	D+1y* R	-	R	D+4y R	5y*	D+7y R	R	5y 2y	5y R	R	-	2y D+6y	75y
• Expats records and other records relating to foreign employees (e.g. visa, work permit)	D+1y* R	10y	R	D+4y R	5y*	S R	R	2y	5-50y R	5y*	-	2y D+6y	75y
• Data concerning pension and early retirement	D+ 1-3y* R	10y	6y R	D+4y R	5y	P R	R	7y 2y	50y R	R	10y	6y	75y

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## European Medical and Safety Data Retention Guidelines

The following table summarises the main data retention recommendations for Medical and Safety Records in Europe:

Medical/safety records	BE	CH	DE	ES	FR	IE	IT	NL	PL	PT	RO	UK	RU
• Medical (occupational health & safety company doctor) files; medical documents in cases of a medical treatment contract	15-40y	10y	10y	P+5y R	x	D+7y 40y*	P	15y	20-50y	40y	D	S R	TBC
• Floor plans and directions	-	5y	-	R+5y R	5y	7y	10y*	R	2y	40y	50y	S	TBC
• Work-related medical examinations related to hazardous substances	30-40y	10y	40y	P+5y R	x	40y-P	D+10y	40y	50y	40y	40y	40y	TBC
• List of employees who have worked under dangerous conditions or whose health has otherwise been under threat	-	-	-	P+5y R	P*	S	D+10y*	40y	40y	40y	40y	5-40y	TBC
• Register of employees who work with 3rd and 4th category biological agents	10-30y	10y	D 10y	10-40y	10y	10-40y	D+10y*	10y	10y	40y	40y	40y	TBC
• Lists/register of employees who have been eGXOsed to asbestos dust	40y	-	40y	40y	P*	40y-P	40y	40y	40y	40y	40y	40y	TBC
• Administration concerning measurements of radioactive substances	5y	2y	30y	20y	P*	S	D+10y*	-	3-5y	40y	10y	S	TBC
• Records of radiation	30y	2y	30y 100y	30y	P*	5y-P	10y*	5y	30y S	40y	10y	S	TBC
• Medical records of employees who have possibly been eGXOsed to ionizing radiation	-	10y	30y 100y	30y	P*	S	30y	30y	30y S	40y	40y	5-40y	TBC
• Registration of work and rest periods (in appropriate format)	R	2-3y	2y	D+4y R	3y	3-7y* R	R	1y 2y	3y D	5y	R	2-3y R	TBC
• Necessary data for emergency medical care, individual reintegration plans, individual treatment agreements, degree of incapacity for work, required workplace adaptations	-	R	R	D+4y R	3y D*	D+7y- P R	P	R	20-50y	40y	R	D+6y	TBC

## European Marketing Records Data Retention Guidelines

The following table summarises the main data retention recommendations for Marketing Records in Europe:

Marketing records	BE	CH	DE	ES	FR	IE	IT	NL	PL	PT	RO	UK	RU
• The use of automatic call systems without operator intervention and electronic messages for the sending of unrequested communications for commercial, non-commercial or charitable purposes is allowed, provided the sender can demonstrate that prior consent was given by the subscriber	R	R	-	3y R	3y 3y-D	R	-	-	-	24m* 30m*	R	-	5y

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## European Purchasing Records Data Retention Guidelines

The following table summarises the main data retention recommendations for Purchasing Records in Europe :

Purchasing records	BE	CH	DE	ES	FR	IE	IT	NL	PL	PT	RO	UK	RU
<ul style="list-style-type: none"> <li>An organisation is obliged to record all delivery of goods or services, all intra-European Community acquisitions, all import and eGXOrt, and all other information relevant for VAT purposes</li> </ul>	7y	10y	6-10y	15y	10y	6y	10y	7y	5y	10-12y	10y	3-6y	5y
<ul style="list-style-type: none"> <li>General ledger, accounts receivable department, accounts payable department, (procurement and) sales administration, inventory records</li> </ul>	7-10y	10y	6-10y	6y	10y	-	10y	7y	5y	10-12y	10y	5-6y	5y
<ul style="list-style-type: none"> <li>Procurement records</li> </ul>	7-10y	10y	6-10y	6y	10y	-	10y	7y	5y	10-12y	10y	-	5y
<ul style="list-style-type: none"> <li>Debtors and creditors records</li> </ul>	R	10y	6-10y R	6y R	D	R	R	2y	5y R	10-12y	5-10y	R	5y
<ul style="list-style-type: none"> <li>Customers and suppliers records</li> </ul>	R	R	6-10y R	6y	D+3y*	R	R	2y	5y R	7y	5-10y	R	5y

## European Legal, Contracts and Agreements Data Retention Guidelines

The following table summarises the main data retention recommendations for Legal Records in Europe:

Legal Files/contracts & Agreements	BE	CH	DE	ES	FR	IE	IT	NL	PL	PT	RO	UK	RU
<ul style="list-style-type: none"> <li>Intellectual property records</li> </ul>	D*	R	-	P*	5y	P*	-	-	3-10y*	D+R	10y	D+6y*	5y
<ul style="list-style-type: none"> <li>Contracts, agreements and other arrangements</li> </ul>	D*+R	10y	-	D+15y	5y + D	7-13y	10y	7y	D+3-10y*	D+R-10y*	10y	D+6y*	5y
<ul style="list-style-type: none"> <li>Permits, licences, certificates</li> </ul>	D*+R	R	-	D+6y	5y	S	10y	7y	D+3-10y*	D+R	10y	S	5y
<ul style="list-style-type: none"> <li>Confidentiality and non-competition agreements (if a penalty is attached to the non-competition or confidentiality clause)</li> </ul>	D*+R	10y	-	D+ 15y	5y + D	7y	10y	20y*	50y/ D+3-10y	D+R	10y	D+6y*	5y
<ul style="list-style-type: none"> <li>Legal files concerning provision of services (e.g. by lawyers, accountants, notaries, architects, brokers, veterinary surgeons, etc)</li> </ul>	D*+R	S	5-10y	15y	5y	6y	10y	5y	2y	D+R	10y	D+6y*	5y

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## European Environmental Records Data Retention Guidelines

The following table summarises the main data retention recommendations for Environmental Records in Europe:

Environmental Records	BE	CH	DE	ES	FR	IE	IT	NL	PL	PT	RO	UK	RU
• Data regarding chemicals or environmentally dangerous substances, and preparations for these which a company has manufactured, imported or supplied	10y	10y	10y	10y	10y	D	10y	10y	10y	10y	10y	10y	TBC
• The names and addresses of the clients/buyers of the above mentioned substances and preparations	10y	-	10y	10y	10y	D	10y	1y	10y	10y	10y	10y	TBC
• Documents related to an environmental permit	D*-5y	R	S	P	-	S	-	S	D	D+R	-	S	TBC
• Registered data concerning the recycling or disposal of waste materials (waste bookkeeping)	3-5y	5y	3y	3y	3-5y	S	5y	5y	-	3y	3y	S	TBC
• Registered data concerning the transfer of industrial or hazardous waste to another party for collection or disposal	3-5y	5y	12m	3y	3-5y	3y	5y	5y	5y	5y	1y	S	TBC
• Documents on results of inspections on the discharge of domestic waste water	S	5y	3-10y	3-8y	30y	S	5y	-	-	3y	-	S	TBC
• Documents containing audits on radioactivity and all results of measurements taken	30y	5y	-	20y	10y	S	5y	-	3y	R	-	S	TBC
• Relevant documents from the manufacturer concerning conformity assessment/ statement of an energy-consuming product	S	-	10y	10y	10y	10y	10y	10y	5y	10y	-	10y	TBC
• Technical documentation and declaration of performance on construction products	S	10y	10y	10y	10y	6-12y	10y	5y	10y	10y	10y	10y	TBC
• The recipient of subsidies for clean-up operations must retain administration regarding the rights and obligations, and receipts and payments, related to those subsidies	-	-	-	4y	10y	P*	10y*	7y	5y	-	10y	S	TBC
• Accident reports	R	10y	-	5y	5y	10y	5y	5y	5y	-	S	3y	TBC
• A copy of the documents concerning the transfer of waste materials sent by the competent authority	S	5y	3y	3-20y	3y	S	3y	5y	3y	5y	1y	2-3y	TBC
• Documents containing train number, date and time of checks, identified irregularities, and measures taken	-	5y	3m	3m-10y	3m	S	3m	3m	3m	5y	1-3y	3m	TBC
• The operator of a dumpsite must retain the description of the waste materials under certain circumstances	S	P	R	3-20y	3-5y	S	P	5y	P	D	1-3y	3-5y	TBC
• The operator of a dumpsite must retain the samples of analysis done on the collected waste materials	S	-	R	3-20y	3-5y	S	P	5y	1m	1m+1y	3y	-	TBC
• Written and electronic data from which information has been derived to describe the nature, quality and composition of the waste material	3-5y	P	3y	3-20y	3-5y	S	P	5y	5y	3y	3y	3y	TBC
• Transmission systems operators need to retain all records of quality indicators	S	R	-	S	-	S	10y*	10y	45d	10y	1y	S	TBC

### Legend

**Black text:** Minimum retention period

**Red text:** Maximum retention period

\*: Recommended retention period by authorities or best practice.

x: Retention prohibited.

**D:** Duration of the contract or permit.

**x – z:** From x years to z years (can also apply for wks and months)

**P:** For the entire duration of the company and/ or permanently.

**R:** As long as required for the relevant purpose.

**S:** Situation specific or too detailed for the scope of the summary and/or guide.

**+:** In addition to the first duration.

**-:** No specific retention period mentioned. Duration; wks (weeks), m (months), y (year).

**TBC:** retention time to be confirmed.