

AUSTRIA			
DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
EMPLOYMENT RECORDS			
Contracts (new hire agreements, severance, etc.)	Minimum: 7 years	7 years - From end of calendar year when employment ends	Company Law Act (Sec. 190 and 212); Federal Fiscal Code (Sec. 132); General Civil Code (Sec. 1478)
	Maximum: 30 years	30 years - From end of the employment relationship	
Time records (work hours, rest periods, vacation/sick/holiday, etc.)	Minimum: 7 years	7 years - From end of calendar year when employment ends	Company Law Act (Sec. 190 and 212 UGB); Federal Fiscal Code (Sec. 132); General Civil Code (Sec. 1478)
	Maximum: 30 years	30 years - From end of the employment relationship	
Performance records (performance reviews, promotions/demotions, licenses/ certifications, investigations, disciplinary actions, etc.)	Minimum: 3 years	From termination	General Civil Code (Sec. 1486)
	Personnel files: No retention requirement		
	Business-related information: Depending on the content of the data (see above and below)		
Data and personnel files	*Note that employees are entitled to employment certificates for thirty years after the end of employment. Therefore, it's advisable to keep relevant documents (job description, details on duration of employment) or a copy of an issued or pre-fabricated employment certificate for 30 years.	N/A	N/A



HR Compliance Assist – Austria – HR Record Retention Requirements

DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
EMPLOYMENT RECORDS (continued)			
Government verification records (work papers, immigration, eligibility to work, etc.)	Minimum: 1 year (general limitation period) Maximum: 30 years	From the end of the employment relationship	Austrian Foreign Employment Act
Collective bargaining/union	Usually 7 years (best practice, no minimum or maximum)	From the end of the relevant calendar year	Best practice based on GDPR
Background checks and drug tests	Retain only as long as necessary to complete hiring process	From creation	Best practice based on GDPR
Acknowledgements, policy agreements and required notices	Only retain personal data as long as necessary for purpose	From creation	Best practice based on GDPR
Recruitment (interview notes, resumes/CVs, reference checks, etc.)	<p>Applicants who are not hired: Only retain until conclusion of hiring process. Consider retaining for six months upon rejection of candidates (when discrimination litigation claims are time-barred).</p> <p>Applicants who are hired: Until end of employment relationship and, afterwards according to the retention periods outlined above and below - usually 7 years</p> <p>Image and audio/visual recordings are not permitted if the purpose is to monitor workers.</p>	<p>Applicants who are not hired: From rejection/end of hiring process</p> <p>Applicants who are hired: From end of calendar year when employment ends</p>	<p>Best practice based on GDPR;</p> <p>Equal Treatment Act (Sec. 15);</p> <p>Company Law Act (Sec. 190 and 212); Federal Fiscal Code (Sec. 132); General Civil Code (Sec. 1478)</p>
Tracking/recordings (biometric, geo-location, online tracking, camera recordings, etc.)	<p>Online tracking as well as biometric tracking requires prior consent of the respective employee.</p> <p>Usual retention period of camera recordings: 72 hours</p>	From recording	Austrian Data Protection Act (Sec. 12, Para. 4, Nr. 2); Art 6 (1) (a) GDPR

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BENEFIT/PENSION/EQUITY RECORDS			
Benefits (plan documents, enrollment records)	Minimum: 7 years	7 years - From end of calendar year when employment ends	Company Law Act (Sec. 190 and 212); Federal Fiscal Code (Sec. 132); General Civil Code (Sec. 1478)
	Maximum: 30 years	30 years - From end of the employment	
Pension records	Minimum: 7 years	From date last payment should have been made	Company Law Act (Sec. 190 and 212); Federal Fiscal Code (Sec. 132); General Civil Code (Sec. 1478)
	Maximum: 30 years		
Equity records	Minimum: 7 years	From end of calendar year to which records relate	Company Law Act (Sec. 190 and 212); Federal Fiscal Code (Sec. 132); General Civil Code (Sec. 1478)
	Maximum: 30 years		
PAYROLL/WAGE/TAX RECORDS			
Payroll and wage data (payslips, etc.)	Minimum: 7 years	From end of calendar year to which records relate	Company Law Act (Sec. 190 and 212); Federal Fiscal Code (Sec. 132); General Civil Code (Sec. 1478)
	Maximum: 30 years		
Tax records	Minimum: 7 years	From end of calendar year to which records relate	Company Law Act (Sec. 190 and 212); Federal Fiscal Code (Sec. 132); General Civil Code (Sec. 1478)
	Maximum: 30 years		
MEDICAL/SAFETY/LEAVE RECORDS			
Leave (family, medical, etc.)	Minimum: 5 years for document related to paying social security obligations	From date contributions are due	General Social Security Act (Sec. 68)
Injury and illness incident reports	Records relating to fatal accident or injury resulting in worker being out for 3 or more days: Minimum 5 years	From date of death or injury	Employee Protection Act (Sec. 16)
Medical records	Maximum: As long as absolutely necessary	N/A	Best practice

DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
MEDICAL/SAFETY/LEAVE RECORDS (continued)			
Hazardous material and other exposure records	Carcinogenic (hazard class 3.6 carcinogenicity), mutagenic (hazard class 3.5 - germ cell mutagenicity), reprotoxic (hazard category 3.7 - reproductive toxicity) or group 3 or 4 biological agents exposure and medical records: minimum: until the end of exposure (at which point records are sent to institution of accident insurance which must keep records for minimum of 40 years)	From exposure	Employee Protection Act (Sec. 47)

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PeopleDoc HR Compliance Assist

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