

HR Compliance Assist – Brazil – HR Record Retention Requirements

***Note:** While there is no maximum retention period, with the new data privacy law going into effect in August 2020, companies may need to implement a maximum period (i.e., a reasonable period beyond any statute of limitation), unless otherwise set by the data privacy agency or other authorities.

*BRAZIL			
DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
EMPLOYMENT RECORDS			
Contracts (new hire agreements, severance, etc.)	Minimum 5 years during employment and 2 years from termination Separation documents (notice, termination sheet, etc.): Minimum 2 years from termination	From creation	Art. 7, XXIX of the Federal Constitution of 1988.
Time records (work hours, rest periods, vacation/sick/holiday, etc.)	Minimum 5 years during employment and 2 years from termination	From creation	Art. 7, XXIX of the Federal Constitution of 1988.
Performance records (performance reviews, promotions/demotions, licenses/certifications, investigations, disciplinary actions, etc.)	Minimum 5 years during employment and 2 years from termination	From creation	Art. 7, XXIX of the Federal Constitution of 1988.
Data and personnel files	Minimum 5 years during employment and 2 years from termination	From creation	Art. 7, XXIX of the Federal Constitution of 1988.
Government verification records (work papers, immigration, eligibility to work, etc.)	Minimum 5 years during employment and 2 years from termination	From creation	Art. 7, XXIX of the Federal Constitution of 1988.
Collective bargaining/union	Minimum 5 years during employment and 2 years from termination	From creation	Art. 7, XXIX of the Federal Constitution of 1988.
Background checks and drug tests	Minimum 5 years during employment and 2 years from termination	From creation	Art. 7, XXIX of the Federal Constitution of 1988.
Acknowledgements, policy agreements and required notices	Minimum 5 years during employment and 2 years from termination	From creation	Art. 7, XXIX of the Federal Constitution of 1988.
Recruitment (interview notes, resumes/CVs, reference checks, etc.)	Hired individuals: Minimum 5 years Individuals who are not hired: Minimum 2 years	From creation	Art. 7, XXIX of the Federal Constitution of 1988.
Tracking/recordings (biometric, geo-location, online tracking, camera recordings, etc.)	Minimum 5 years during employment and 2 years from termination	From creation	Art. 7, XXIX of the Federal Constitution of 1988.

DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
BENEFIT/PENSION/EQUITY RECORDS			
Benefits (plan documents, enrollment records)	Minimum 10 years or until there is prescription relating to claims arising from the transactions to which they relate	From creation	Art. 32, Law 8.212/91
Pension and retirement records	Minimum 30 years (FGTS - GFIP - GRFP)	From creation	Art. 23, par. 5, Law 8,036 of May 11, 1990.
Equity records	Minimum 10 years or until there is prescription relating to claims arising from the transactions to which they relate	From creation	Art. 32, Law 8.212/91
Professional Profile for Social Security Purposes (PPP)	Minimum 20 years	From creation	Art. 178 IN INSS 118/2005
PIS-Social Integration Program PASEP - Program Civil Servant Patrimony Formation	Minimum 10 years	From creation	Art. 3 and 10 Decree-Law No. 2052/83
PAYROLL/WAGE/TAX RECORDS			
Payroll and wage data (payslips, etc.)	Minimum 10 years or until there is prescription relating to claims arising from the transactions to which they relate	From creation	Art. 32, Law 8.212/91
Tax records	Minimum 10 years or until there is prescription relating to claims arising from the transactions to which they relate	From creation	Art. 32, Law 8.212/91
General Register of Employed and Unemployed (CAGED)	Minimum 5 years	From time sent to authorities	Portaria MT# n. 1.129/2014
Annual Social Information Report (RAIS)	Minimum 5 years	From creation	Portaria N. 39/2019 from the Ministry of Economy
Unemployment Insurance (Communication of termination and unemployment insurance coverage request)	Best practice minimum 5 years	From termination of employee	N/A, Best Practice (law is unclear)
MEDICAL/SAFETY/LEAVE RECORDS			
Leave (family, medical, etc.)	Minimum 10 years or until there is prescription relating to claims arising from the transactions to which they relate	From creation	Art. 32, Law 8.212/91

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MEDICAL/SAFETY/LEAVE RECORDS (continued)			
Injury and illness incident reports	Minimum 10 years or until there is prescription relating to claims arising from the transactions to which they relate	From creation	Art. 32, Law 8.212/91
Medical records	Medical exam Records (ASO): Minimum 20 years Doctor's note: Minimum 5 years during employment and 2 years from termination	Medical exam Records (ASO): From termination Doctor's note: From creation	Medical exam Records (ASO): Regulatory Standard NR 7; Doctor's Note: General employment statute of limitations
Hazardous material and other exposure records	Minimum 10 years or until there is prescription relating to claims arising from transactions to which records relate	From creation	Art. 32, Law 8.212/91
Occupational Health Examination Program (PCMSO) records	Minimum 20 years as best practice	From creation	Best practice, Regulatory Standard NR 7 (law is unclear)
Environmental Risk Prevention Program (PPRA) records	Minimum 20 years	From creation	Regulatory Standard NR 9
Internal Commission on Accident Prevention (CIPA) (election) records	Minimum 5 years	From creation	Regulatory Standard NR 5

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