

# HR Compliance Assist - Malaysia - HR Record Retention Requirements

In Malaysia, as a general best practice, **employers often keep records one year longer than the official retention period** in case a claim is made at the end of a relevant period. In cases where there is a claim, the related records are retained until the claim is resolved.

Malaysia			
DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
<b>EMPLOYMENT RECORDS</b>			
Contracts (new hire agreements, severance, etc.)	Minimum 6 years (12 years if there's a judgment)	From end of contract	Limitation Act 1953 (Part II, 6)
Time records (work hours, rest periods, vacation/sick/holiday, etc.)	Roster of work/rest schedule: Minimum 6 years;  General time records: Minimum 6 years	Roster of work/rest schedule: From last day of the month to which record relates;  General time records: From recording	Employment Act 1955 (Part XII, 59 (3) and Part XIII 61 (2)); Employment Regulations 1957;  Employees Provident Fund Act 1991 (Part 5, 42 (2))
Performance records (performance reviews, promotions/demotions, licenses/certifications, investigations, disciplinary actions, etc.)	Minimum 6 years (If a judgment has been obtained, documents should be retained for up to 12 years, until time period for successful part to enforce judgment expires)	From end of employment	Limitation Act 1953 (Part II, 6)
Data and personnel files	Employer register and other personnel records: Minimum 6 years (12 years if there's a judgment)	From end of employment	Limitation Act 1953 (Part II, 6); Employment Regulations 1957; Employment Act 1955 (Part XIII 61 (2))
Government verification records (work papers, immigration, eligibility to work, etc.)	Records relating to employee register (ex., National Registration Identification Card Number, employment permit or Immigration Work Pass number): Minimum 6 years	From end of employment	Employment Regulations 1957; Employment Act 1955 (Part XIII 61 (2))

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<b>EMPLOYMENT RECORDS (continued)</b>			
Collective bargaining/union	Minimum 6 years	From date of creation (union recognition information) or last date of applicability (collective agreements)	Limitation Act 1953 (Part II, 6)
Background checks and drug tests	Minimum 6 years (12 years if there's a judgment)	From end of employment	Limitation Act 1953 (Part II, 6)
Acknowledgements, policy agreements and required notices	Minimum 6 years (12 years if there's a judgment)	From end of employment	Limitation Act 1953 (Part II, 6)
Recruitment (interview notes, resumes/CVs, reference checks, etc.)	Hired employees: Minimum 6 years (12 years if there's a judgment) for employees; Applicants not hired: No specific requirement. Employer should be guided by data protection laws.	Hired employees: From end of employment; Applicants not hired: N/A	Limitation Act 1953 (Part II, 6)
Tracking/recordings (biometric, geo-location, online tracking, camera recordings, etc.)	Minimum 6 years (12 years if there's a judgment)	From end of employment	Limitation Act 1953 (Part II, 6)
<b>BENEFIT/PENSION/EQUITY RECORDS</b>			
Benefits (plan documents, enrollment records)	Employer register and other personnel records: Minimum 6 years (12 years if there's a judgment)	From end of employment	Limitation Act 1953 (Part II, 6); Employment Regulations 1957; Employment Act 1955 (Part XIII 61 (2))
Pension records	Employer register and other personnel records: Minimum 6 years (12 years if there's a judgment)	From end of employment	Limitation Act 1953 (Part II, 6); Employment Regulations 1957; Employment Act 1955 (Part XIII 61 (2))

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<b>BENEFIT/PENSION/EQUITY RECORDS (Continued)</b>			
Equity records	Employer register and other personnel records: Minimum 6 years (12 years if there's a judgment)	From end of employment	Limitation Act 1953 (Part II, 6); Employment Regulations 1957; Employment Act 1955 (Part XIII 61 (2))
<b>PAYROLL/WAGE/TAX RECORDS</b>			
Payroll and wage data (payslips, etc.)	Documents containing information on employees and wages (required under the Pembangunan Sumber Manusia Berhad Act): Minimum 6 years	From creation of record	Pembangunan Sumber Manusia Berhad Act 2001
Tax records	Minimum 7 years	From end of year to which income relates	Income Tax Act 1967 (Part V, 82)
Miscellaneous 1	Register to be kept under Employees' Provident Fund Act (includes employee details, contribution records, payroll and wage data): Minimum 6 years	From last date of entry in register	Employees Provident Fund Act 1991 (Part 5, 42 (2))
Miscellaneous 2	Registers required under Employees' Social Security Act & Employee Insurance System (includes employee details, contributions, all records of contribution payments and wages): Minimum 7 years	From last date of entry in register	Employees' Social Security (General) Regulations 1971 (Part II, 34); Employment Insurance System (Registration and Contribution) Regulations 2017 (Reg 8)
<b>MEDICAL/SAFETY/LEAVE RECORDS</b>			
Leave (family, medical, etc.)	General: Minimum 6 years (12 years if there's a judgment); Register of maternity leave and allowance: Minimum 6 years	From end of leave/creation of record	Limitation Act 1953 (Part II, 6); Employment Regulations 1957; Employment Act 1955 (Part IX 44, and Part XIII 61)

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<b>MEDICAL/SAFETY/LEAVE RECORDS (continued)</b>			
Injury and illness incident reports	General: Minimum 5 years;  Report of accident or occupational disease given to Social Security Office: Minimum 5 years	From date of creation of form/report/record	Employees' Social Security (General) Regulations 1971 (Part III, 71 and 71A); Occupational Safety and Health (Notification of Accident, Dangerous Occurrence, Occupational Poisoning and Occupational Disease) Regulations 2004 (Reg. 10)
Medical records	Health surveillance records relating to hazardous chemicals: Minimum 30 years	From last date of entry	Occupational Safety and Health (Use and Standards of Exposure of Chemicals Hazardous to Health) Regulations 2000 (Part IX, 27)
Hazardous material and other exposure records	Records of individual's exposure to chemicals hazardous to health (including summary and monitoring records): Minimum 30 years (otherwise minimum 5 years)	From date of creation of record	Occupational Safety and Health (Use and Standards of Exposure of Chemicals Hazardous to Health) Regulations 2000 (Part VII, 26)

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