



Keeping records

Records that must be kept by law under the new employer duties

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Records that must be kept by law under the new employer duties

About this guidance

- This guidance is aimed at pensions professionals and employers with in-house pensions professionals
- It provides a summary of the record-keeping requirements under the new employer duties, as referred to in the rest of the guidance in this series
- It sets out essential information on what type of records the legislation requires an employer to keep.
- Where the content in this guidance is applicable to both eligible jobholders and non-eligible jobholders, we have used the term 'jobholder' in its wider context.
- We recognise that many employers will already have pension provision for their workers, and that this will often match or exceed the minimum requirements contained in the duties.
- In these cases, such employers may just need to check that the minimum requirements are covered in their existing processes.
- It will be helpful to employers to be familiar with the different categories of workers. These are explained in **Detailed guidance no. 1 – Employer duties and defining the workforce** or a quick reminder is available in the **Resource** section on our website.
- We committed to update this guidance following Royal Assent of the Pensions Bill 2011. The Bill has not yet received Royal Assent so, in the small number of cases where changes proposed in the Bill impact the information in this guidance, footnotes still identify the affected passages in this version.

However, the Department for Work and Pensions (DWP) has recently published a consultation document on proposed changes to the regulations arising from the Pensions Bill 2011. Though these are proposals, and therefore not covered in this version of the guidance, the consultation highlights 2 key areas where the proposed changes would have a significant impact on this content. For this reason, we have updated the guidance to highlight these areas and also taken the opportunity to correct some typographical errors. All changes made to this document are listed in Appendix 2 on page 10.

For more information on DWP's proposed changes, see their consultation document at: www.dwp.gov.uk/consultations
- We will not be producing an interim version of this guidance on Royal Assent; we will instead update it once again when the final regulations are published. So be sure to check the website or simply sign up to our free news-by-email service at: www.tpr.gov.uk/news to keep up-to-date.

This guidance provides a summary of the record-keeping requirements

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Key points

- From 2012, there will be new legal requirements on employers – as well as trustees, managers and providers of a pension scheme – to keep records about their workers and the pension scheme used to comply with the employer duties.
- An employer can use electronic or paper-filing systems to keep or store any records, as long as these records are legible or can be produced in a legible way.
- Most records must be kept for 6 years; those that relate to opting out must be kept for 4 years.
- The records must be produced to The Pensions Regulator ('the regulator'), if requested.
- All trustees, managers and pension scheme providers – and employers where they administer a pension scheme – should also familiarise themselves with the regulator's 'good practice' guidance on record-keeping.



**Most records
must be kept
for 6 years**

Section 1: Introduction

1. With the introduction of the employer duties from 2012, there will be a new legal requirement on employers, trustees, managers and providers to keep certain records.
2. The records an employer must keep will enable them to prove that they have complied with their duties. Keeping accurate records also makes good business sense because it can help an employer to:
 - avoid or resolve potential disputes with employees
 - help check or reconcile contributions made to the pension scheme.
3. This guidance sets out the records that must, by law, be kept by employers and providers under the new legislation. The appendix on pages 7-9 of this guidance contains this information in an easy-reference table.
4. Good governance, including record-keeping, has always been considered vital to the effective and efficient running of a pension scheme. The regulator has previously produced guidance on the importance of good record-keeping. Although aimed at trustees and professional advisers, employers may find it useful to also familiarise themselves with the principles outlined in the regulator's existing guidance, ahead of their staging date.

For further information, visit: www.tpr.gov.uk/guidance/guidance-record-keeping

Section 2: Overview of record-keeping requirements

5. After an employer's staging date, they must:
 - keep certain records on aspects of their compliance with the new duties
 - preserve those records
 - produce those records to the regulator, if requested.

Types of records that must be kept

6. By law, there are 2 different types of records that an employer must keep. These are:
 - **Records about jobholders and workers**
Eg name, National Insurance number
opt-in notice and joining notice
 - **Records about the pension scheme**
Eg employer pension scheme reference
and scheme name and address
7. Most of these records must be kept for a minimum of 6 years, with the exception of those relating to opt outs, which must be kept for 4 years.

For more information, see the Appendix on pages 7-9 of this guidance.

Collecting and storing scheme records

8. Employers can use their existing business documentation (eg payroll records) for the purpose of collecting and storing records. There are some documents, such as the opt-out notice, that must be retained in the original format, as this is proof of an individual exercising a right. Copies of the original format, or electronically-stored versions, are acceptable. Details are provided in the Appendix on pages 7-9 of this guidance.
9. Employers, who outsource business or pensions administration to a 3rd party, can continue to do so. They may authorise the 3rd party to keep, preserve or provide the records on their behalf. However, it remains an employer's legal responsibility to ensure these records are kept and, if requested, produce them.
10. The regulator expects employers to have an appropriate system in place with any service provider to ensure:
 - record-keeping requirements are being adhered to
 - records can be produced to the regulator (if requested) in a timely manner.
11. Employers who carry out in-house pensions administration on behalf of the trustees or managers of the scheme, can find out more about record-keeping for scheme administrators in the regulator's existing record-keeping guidance which is available on the regulator's website: www.tpr.gov.uk/guidance/guidance-record-keeping

Appendix 1: List of records that must be kept

Records an employer must keep about jobholders and workers

Who the record relates to	What record must be kept	How long it must be kept
Jobholders and workers who become members	<ul style="list-style-type: none"> Name National Insurance number (where one exists) Date of birth Gross earnings in each relevant pay reference period¹ The contributions payable in each relevant pay reference period by an employer to the scheme, and the amount actually paid if this is different from the amount payable. This includes contributions due on the employer's behalf and deductions made from earnings. The date contributions were paid to the scheme 	6 years
Additional information for jobholders only	<ul style="list-style-type: none"> Automatic enrolment date Opt-in notice (original format)² The contributions to which the jobholder is entitled under the scheme rules (this demonstrates that the scheme used is a qualifying scheme) 	6 years
	<ul style="list-style-type: none"> Opt-out notice (original format)² 	4 years
Additional information for workers only	<ul style="list-style-type: none"> Date, with effect, from which the worker became an active member Joining notice (original format)² 	6 years

¹ A detailed explanation of pay reference periods can be found in **Detailed guidance no. 5 – Automatic enrolment**.

² Copies of the original format or electronically-stored versions are acceptable.

Records an employer must keep about the pension scheme

Type of pension scheme being used	What record must be kept	How long it must be kept
<p>Defined contribution (DC), defined benefit (DB) or hybrid scheme</p>	<ul style="list-style-type: none"> • Employer pension scheme reference • Scheme name and address • Scheme contracting-out certificate (this applies to contracted-out DB schemes only) • Any evidence showing that a scheme meets the test scheme standard² (this applies to not-contracted-out DB schemes only) • Non-UK administered schemes must keep: <ul style="list-style-type: none"> – the address of the scheme – name of the authority which carries out functions that correspond to those of the regulator in the country where the scheme is based 	<p>6 years</p>
<p>Personal pension scheme</p>	<ul style="list-style-type: none"> • Employer pension scheme reference • Name and address of the pension provider • Non-UK administered schemes must keep: <ul style="list-style-type: none"> – the address of the scheme – name of the authority which carries out functions that correspond to those of the regulator, in the country where the scheme is based 	<p>6 years</p>

² A hypothetical scheme used as a benchmark – see Detailed guidance no. 4 – Pension schemes for details.

Records the pension scheme must keep

Who the record relates to	What record must be kept	How long it must be kept
Active member	<ul style="list-style-type: none"> • Full name • Date of birth • National Insurance number (where one exists) • Gender • Residential address, including postcode (last notified to the scheme by either the employer or member) • The date on which the person became an active member of the scheme • The date on which the person ceases to be an active member of the scheme • A description of the member's status in the scheme, which as a minimum must be either active or inactive 	6 years
Jobholders who opt out	<ul style="list-style-type: none"> • Full name • The date on which the scheme was informed by the employer of a jobholder's decision to opt out 	4 years
Pension scheme	<ul style="list-style-type: none"> • Employer pension scheme reference 	6 years

Keeping accurate records makes good business sense

Appendix 2

Table 1 below lists all changes included in version 2 (version 1 was published May 2011).

Table 1
Record of changes included in v2.0

Page	Location	Change
Additional wording and corrections		
2	Bullet 4	Additional: Clarification of terminology
2	Bullets 5 and 6	Additional: Stakeholder feedback – many businesses felt this point required this recognition
2	Bullets 8 and 9	Additional: Highlights reason for updated version 2
Minor edits		
2	Bullet 7	Minor text edit: Deleted web address
7	Table, bullets 8, 10 and 12	Additional: Footnote for clarification

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Detailed guidance no. 9

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