

# Detailed guidance for employers

**Keeping records:** Records that must be kept by law under the new employer duties

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## Accompanying resources



### Information to workers

Summary of information requirements in a quick-reference table format



### The different types of worker

Diagram of the different categories of worker and the criteria for each category



### Employer duties and safeguards

At-a-glance summary of the duties and safeguards

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# About this guidance

This guidance is aimed at professional advisers 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.

All employers must provide the regulator with certain information about how they have complied with their duties. They must submit this information within five months of their staging date. The information can be submitted at [www.tpr.gov.uk/dec-compliance](http://www.tpr.gov.uk/dec-compliance).

It will be helpful to employers to be familiar with the different categories of workers. These are explained in detail in **Detailed guidance no. 1 – Employer duties and defining the workforce** or a quick reminder is available in Key terms.

This guidance forms part of the detailed guidance for employers (published April 2017). There have been no updates since the last version.

# Introduction

1. With the introduction of the employer duties in 2012, there is a 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.
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. For further information, visit: [www.tpr.gov.uk/guidance-record-keeping](http://www.tpr.gov.uk/guidance-record-keeping).

# 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 two 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 six years, with the exception of those relating to opt-outs, which must be kept for four years. For more information, see Easy-reference tables.

## Collecting and storing scheme records

8. Employers can use their existing business documentation (eg payroll records) for the purpose of collecting and storing records, but should note that the notices (an opt-in notice, joining notice or opt-out notice) 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. However, all records must be kept in such a form and manner that they are legible or can be provided to the regulator in a legible format.
9. Employers who outsource business or pensions administration to a third party can continue to do so. They may authorise the third 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-record-keeping](http://www.tpr.gov.uk/guidance-record-keeping).



**Keeping  
accurate  
records makes  
good business  
sense**

# Easy reference tables

## 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"> <li>Name</li> <li>National Insurance number (where one exists)</li> <li>Date of birth</li> <li>Gross qualifying earnings in each relevant pay reference period<sup>1</sup></li> <li>The contributions payable in each relevant pay reference period by an employer to the scheme, and the amount payable. This includes contributions due on the employer's behalf and deductions made from earnings</li> <li>The date contributions were paid to the scheme</li> </ul>	Six years
Additional information for jobholders only	<ul style="list-style-type: none"> <li>Automatic enrolment date<sup>2</sup></li> <li>Opt-in notice (original format)</li> <li>The contributions to which the jobholder is entitled under the scheme rules (this demonstrates that the scheme used is a qualifying scheme)</li> </ul>	Six years
	<ul style="list-style-type: none"> <li>Opt-out notice (original format)<sup>3</sup></li> </ul>	Four years
Additional information for workers only	<ul style="list-style-type: none"> <li>Date with effect from which the worker became an active member</li> <li>Joining notice (original format)</li> </ul>	Six years
All workers for whom the employer has used postponement	<ul style="list-style-type: none"> <li>Name</li> <li>National Insurance number (where one exists)</li> <li>Date the notice was sent to the worker</li> </ul>	Six years

1 A detailed explanation of pay reference periods can be found in **Detailed guidance no. 3 – Assessing the workforce**.

2 For automatic re-enrolment it would be good practice to keep the same type of records as for automatic enrolment.

3 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
Defined contribution (DC), defined benefit (DB) or hybrid scheme	<ul style="list-style-type: none"> <li>• Employer pension scheme reference</li> <li>• Scheme name and address</li> <li>• Scheme contracting-out certificate (this applies to contracted-out DB schemes only)</li> <li>• Any evidence showing that a scheme meets the test scheme standard<sup>3</sup> (this applies to non-contracted-out DB schemes only)</li> <li>• Non-UK administered schemes must keep:               <ul style="list-style-type: none"> <li>– the address of the scheme</li> <li>– name of the authority which carries out functions that correspond to those of the regulator in the country where the scheme is based</li> </ul> </li> </ul>	Six years
Personal pension scheme	<ul style="list-style-type: none"> <li>• Employer pension scheme reference</li> <li>• Name and address of the pension provider</li> <li>• Non-UK administered schemes must keep:               <ul style="list-style-type: none"> <li>– the address of the scheme</li> <li>– name of the authority which carries out functions that correspond to those of the regulator in the country where the scheme is based</li> </ul> </li> </ul>	Six years
DC scheme, where the employer is certifying that a quality or alternative requirement is satisfied	<ul style="list-style-type: none"> <li>• The certificate and any data/evidence relating to it</li> </ul>	Six years after the end of the certification period

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A hypothetical scheme used as a benchmark – see [Detailed guidance no. 4 – Pension schemes](#).

## Records the pension scheme must keep

All records must be kept in such a form and manner so as to enable them to be linked to their corresponding employer pension scheme reference.

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

# Key terms

## Summary of the different categories of worker

Category of worker	Description of worker
Worker	An employee or someone who has a contract to perform work or services personally, that is not undertaking the work as part of their own business.
Jobholder	A worker who: <ul style="list-style-type: none"><li>• is aged between 16 and 74</li><li>• is working or ordinarily works in the UK under their contract</li><li>• has qualifying earnings.</li></ul>
Eligible jobholder	A jobholder who: <ul style="list-style-type: none"><li>• is aged between 22 and state pension age</li><li>• has qualifying earnings above the earnings trigger for automatic enrolment.</li></ul>
Non-eligible jobholder	A jobholder who: <ul style="list-style-type: none"><li>• is aged between 16 and 21 or state pension age and 74</li><li>• has qualifying earnings above the earnings trigger for automatic enrolment</li></ul> or <ul style="list-style-type: none"><li>• is aged between 16 and 74</li><li>• has qualifying earnings equal to or below the earnings trigger for automatic enrolment.</li></ul>
Entitled worker	A worker who: <ul style="list-style-type: none"><li>• is aged between 16 and 74</li><li>• is working or ordinarily works in the UK under their contract</li><li>• does not have qualifying earnings.</li></ul>

## How to contact us

PO Box 16314  
Birmingham  
B23 3JP

T 0845 600 1011  
F 0845 606 9970  
E [customersupport@autoenrol.tpr.gov.uk](mailto:customersupport@autoenrol.tpr.gov.uk)

[www.thepensionsregulator.gov.uk](http://www.thepensionsregulator.gov.uk)  
[www.trusteetoolkit.com](http://www.trusteetoolkit.com)

### **Detailed guidance for employers no. 9**

Keeping records

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