



Keeping records

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

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- 1 Employer duties and defining the workforce**
An introduction to the new employer duties
- 2 Getting ready**
First steps to prepare for the new employer duties
- 3 Assessing the workforce**
How to identify the different categories of workers
 - 3a – Postponement**
 - 3b – Transitional period for defined benefit and hybrid schemes**
 - 3c – Having completed the assessment**
- 4 Pension schemes**
Pension schemes under the new employer duties
- 5 Automatic enrolment**
An explanation of the automatic enrolment process
- 6 Opting in, joining and contractual enrolment**
How to process pension scheme membership outside of the automatic enrolment process
- 7 Opting out**
How to process 'opt-outs' from workers who want to leave a pension scheme
- 8 Safeguarding individuals**
The new safeguards for workers

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The Pensions
Regulator

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.
- We have identified **7 steps to prepare for automatic enrolment**, which summarises the main steps towards achieving compliance. Employers may find this helpful when navigating this guidance: www.tpr.gov.uk/7-steps
- 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** on page 10.
- This guidance has been updated as a result of recent legislative changes including the Pensions Act 2011 receiving Royal Assent.

This guidance provides a summary of the record-keeping requirements

Contents

Key points	page 4
Section 1: Introduction	page 5
Section 2: Overview of record-keeping requirements	page 6
– Types of records that must be kept	page 6
– Collecting and storing scheme records	page 6
Appendix: List of records that must be kept	page 7
Key terms: Summary of the different types of worker	page 10
How to contact us	back cover

Key points

- Starting 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 six years; those that relate to opting out must be kept for four 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. For further information visit:
www.tpr.gov.uk/guidance-record-keeping



**Most records
must be kept
for six 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 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.

For further information, visit: www.tpr.gov.uk/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 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 the appendix.

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

Appendix: 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 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) 	
	<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
All workers for whom the employer has used postponement	<ul style="list-style-type: none"> Name National Insurance number (where one exists) Date the notice was sent to the worker 	

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

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
Defined contribution (DC), defined benefit (DB) or hybrid scheme	<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 standard³ (this applies to non-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 	6 years
Personal pension scheme	<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 	

³ 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"> • 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

Key terms

Summary of the different categories of worker

Category of worker	Description of worker
Worker	<ul style="list-style-type: none">• An employee or <ul style="list-style-type: none">• 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">• is aged between 16 and 74• is working or ordinarily works in the UK under their contract• has qualifying earnings.
Eligible jobholder	A jobholder who: <ul style="list-style-type: none">• is aged between 22 and state pension age• has qualifying earnings above the earnings trigger for automatic enrolment.
Non-eligible jobholder	A jobholder who: <ul style="list-style-type: none">• is aged between 16 and 21 or state pension age and 74• has qualifying earnings above the earnings trigger for automatic enrolment or <ul style="list-style-type: none">• is aged between 16 and 74• has qualifying earnings below the earnings trigger for automatic enrolment.
Entitled worker	A worker who: <ul style="list-style-type: none">• is aged between 16 and 74• is working or ordinarily works in the UK under their contract• does not have qualifying earnings.

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Detailed guidance no. 9

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