



Document Retention List

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Retention Of Records

Retain only as long as necessary

POPIA requires that *“records of personal information must not be kept any longer than is necessary for achieving the purpose for which the information was collected...”*.

This is one of the more difficult provisions to comply with as it needs a very clear picture of all purposes for which a piece of information is kept. In addition, a thorough understanding of business processes is needed.

There are some exceptions to the rule where information may be kept longer:

Reasonably required

1. Records may be retained for longer when the organisation “reasonably requires the record for lawful purposes related to its activities and functions”, for example reports and assessments should be kept for at least 10 years.
2. What is reasonable will depend on the circumstances in each case which may lead to some uncertainty.

Required by contract : For example, your Enrolment Agreement might state that you are required to provide the parents with regular updates regarding their child’s progress. In order to perform under the contract you would therefore need their contact information.

Consent

- Consent under POPI has to be specific, voluntary and informed.
- The burden of proof is on you to show that it was given, a written record would be best.
- It’s also important to remember that under 18s normally need a competent person to give consent.

It will probably be difficult to achieve a retention policy that covers the potentially thousands of record categories used by at school. One strategy is to start with the most widespread documents, like invoices and/or those containing the most sensitive personal information.

When required by law

1. A general rule of thumb is that when you have two retention periods, due to the requirements of different Acts, go for the longest retention period.
2. Records may be retained for longer when the retention “*is required or authorised by law*”. Since numerous laws mandate the retention of different categories of records it can be a challenge just to find the relevant law.
3. Below are guidelines (from the South African Institute of Chartered Accountants), for how long to retain certain pieces of data according to the relevant Acts:

Document Retention Times

Close Corporations

Accounting records, including schedules and ancillary accounting records	15 years
Founding statement, Form CK 1	Indefinitely
Amended Founding Statement, Forms CK 2 and CK 2A	Indefinitely
Annual Financial Statements, including annual accounts and the report of the Accounting Officer	15 Years
Minute books as well as resolutions passed at meetings	Indefinitely

Private Company (Pty) Limited

Documents, accounts, books, writing or other information in terms of the Companies Act	7 Years or longer
Company Registration Certificate	Indefinitely
Memorandum of Incorporation, including alternations or amendments	Indefinitely
Company rules	Indefinitely
If you have shares: Securities Register and Uncertified Securities Register	Indefinitely
Register of Company Secretary and Auditors	Indefinitely
Minutes of all Shareholder’s Meetings including Resolutions Adopted	7 Years
Copies of Reports presented at the AGM	7 Years

Copies of Annual Financial Statements	7 Years
Copies of Accounting Records	7 Years
Records of Directors and Past Directors, even if retired	7 Years
Written communication by Shareholders	7 Years
Minutes of Meetings, Resolutions of Directors Meetings, Audit and Directors' Committees	7 Years

Consumer Protection Act

If, for fund raising, you use an Intermediary who provides information to a consumer, the Intermediary keeps a record of all information given to a consumer, the following information must be retained.

Full names, physical and postal addresses and contact details	3 Years
ID Numbers and Company Registration Number	3 Years
Contact details of the Public Officer	3 Years
Services rendered	3 Years
Intermediary fees	3 Years
Costs to be recovered from the Consumer	3 Years
Frequency of accounting to the Consumer	3 Years
Amounts, sums, values, charges, fees or remuneration specified in monetary terms	3 Years
Disclosure in writing of a conflict of interest by the intermediary in relevance to goods or service to be provided.	3 Years
Record of advice furnished to the consumer reflecting the basis on which the advice was given	3 Years
Written instruction sent by intermediary to the consumer	3 Years

If you conduct your own promotional events, such as raffles, the following information must be retained:

Your own full details including identity or registration numbers, addresses and contact numbers of the promoter	3 Years
Rules of the event.	3 Years
Copy of the offer to participate in the event	3 Years
Names and identity numbers of the people responsible for conducting the event	3 Years
Full list of prizes offered	3 Years
A representative selection of materials used in marketing the event	3 Years
List of every time the event was marketed including dates, materials used and places where marketing took place	3 Years
Names and identity numbers of the people responsible for selecting the prize winners.	3 Years
Acknowledgement of receipt of the prize by the prize winner including the winners identity number and date the prize was received	3 Years
Declaration or confirmation that prize winners are not employees, directors, agents, consultants or family members of the Principal/owner of the preschool	3 Years
Basis of determining prize winners	3 Years
Whether an independent person oversaw the prize draw	3 Years
The means by which the prize winners were announced and the frequency of the announcements	3 Years
List of names and identity numbers of the prize winners	3 Years
List of dates when the prizes were handed over to the winners	3 Years
Steps taken to contact the prize winners	3 Years
Reasons for the prize winner not receiving the prize and steps taken to rectify the	3 Years

situation	
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Electronic Communication

Personal information and the purpose for which the data was collected	For as long as the information is used and at least one year afterwards
Records of any third party to whom the information was disclosed	For as long as the information is used and at least one year afterwards
All personal information which has become obsolete	Destroy immediately

Workman's Compensation

Register, record of earnings, time worked, payment for part-time work and overtime and particulars of all the employees	4 Years
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Health and Safety

Compensation for Occupational Injuries and Diseases Act

The Compensation for Occupational Injuries and Diseases Act, No 130 of 1993, provides for compensation for disablement caused by occupational injuries or diseases sustained or contracted by employees in the course of their employment or for death by these injuries at their place of work. The Act states that certain records that relate to the earnings should be retained.

Register, record or reproduction of the earnings, time worked, payment for piece work and overtime and other prescribed particulars of all the employees	4 Years
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Occupational Health and Safety Act

The Occupational Health and Safety Act, No 85 of 1993, was enacted to provide for the health and safety of employees at work and for people using plant and machinery and working in other hazardous employment conditions. Certain documents have to be kept based on the Administrative Regulations.

A Health and Safety Committee keeps records of each recommendation made to the employer in terms of issues that affect the health of employees and reports made to an inspector about the recommendation	3 Years
Records of incidents reported at work	3 Years
Records of assessments and air monitoring results	Min. 40 Years
Records of assessments and noise monitoring	40 Years
Medical surveillance records including the baseline audiogram of every employee	40 Years

Employment and Labour

Basic Conditions of Employment

Written particulars of employee	For the length of their employment at school and then for 3 Years afterwards
Employee's name and occupation	3 Years
Time worked by each employee	3 Years
Remuneration paid to each employee	3 Years
Date of birth of any employee under 18 years of age	3 Years

Labour Relations Act

The Labour Relations Act, No 66 of 1995, applies to employees, employers, trade unions and employers' organisations and provides a framework where the parties can collectively bargain regarding remuneration, basic conditions of service and other matters of importance.

Bargaining Council must retain the following documents in original or reproduced form: <ul style="list-style-type: none"> • Books of account • Supporting vouchers • Income and expenditure statements • Balance sheets • Auditor's reports • Minutes of its meetings 	3 Years
Registered trade unions and registered employers' organisation must retain a list of their members	Indefinitely
For registered trade unions and employers' organisations, minutes of its meetings, in an original or reproduced form from the end of the financial year	3 Years
Registered trade unions and registered employers' organisation must retain the ballot papers for a period of three years from the date of every ballot	3 Years from the date of the end of every ballot
Records to be kept by the employer in original or reproduced form: <ul style="list-style-type: none"> • Collective agreements • Arbitration awards 	3 Years
Employer must keep prescribed details of any strike, lock-out or protest action involving its employees	Indefinitely
Employers should keep records for each employee specifying the nature of any disciplinary transgressions, the actions taken by the employer and the reasons for the actions	Indefinitely

Employment Equity Act

Employment Equity Act, 55 of 1998 The Employment Equity Act, 55 of 1998, provides for employment equity and applies to employers and employees.

1. An employer must establish and maintain records in respect of its workforce, its employment equity plan and other records relevant to its compliance with this Act.	5 years after expiry of the plan Employment Equity Regulations, 2014
2. A designated employer must retain their Employment Equity Plan	

A designated employer must submit a report to the Director General once every year. This report should be retained after submission to the Director General	5 Years after it has been submitted to the Director General
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Unemployment Insurance (“UIF”)

1. The Unemployment Insurance Act, No 63 of 2002, applies to all employers and workers, but not to:
 - a. Workers working less than 24 hours a month for an employer
 - b. Learners
 - c. Public servants
 - d. Foreigners working on contract
 - e. Workers who get a monthly State (old age) pension
 - f. Workers who only earn commission.
2. Domestic employers and their workers have also been included under the scope of the Act since 1 April 2003.

Employers must maintain personal records of each of their current employees, i.e: <ul style="list-style-type: none"> • Names. • Identification numbers. • Monthly remuneration. • Address where the employee is employed. 	3 years for employees earning under the threshold of R205342.00 per year and/or if you have more than 5 employees working more than 24 hours per month
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Tax Administration Act

Section 29 of the Tax Administration Act (TAA), No 28 of 2011, states that a person must keep the records, books of account or documents that:

1. Enable the person to observe the requirements of the Act.
2. Are specifically required under a Tax Act or by the Commissioner by public notice.

Taxpayers that have submitted a return	5 Years from date of submission
Taxpayers who were meant to submit a return, but haven't for that period	Indefinitely until the return is submitted and then the 5 Year rule applies
Taxpayers who were not required to submit a return, but had capital gains/losses or engaged in any other activity that is subject to tax or would be subject to tax but for the application of a threshold or exemption	5 Years from the end of the relevant tax period
A person who has been notified or is aware that the records are subject to an audit or investigation	In addition to the 5 Year rule, records must be retained until the audit is concluded or the assessment/decision becomes final
A person who has lodged an objection or appeal against an assessment or decision under the TAA that will enable the South African Revenue (SARS) to be come satisfied that the person will have observed all the regulations	In addition to the 5 Year rule, records must be retained until the audit is concluded or the assessment/decision becomes final

Income Tax (PAYE)

In addition to the records required in Chapter 4, part A of the Tax Administration Act, every employer must keep the records as indicated below:

<p>In respect of each employee the employer shall keep a record showing:</p> <ul style="list-style-type: none"> • Amount of remuneration paid or due by him to the employee. • The amount of employees tax deducted or withheld from the remuneration paid or due. • The income tax reference number of that employee. • Any further prescribed information. • Employer Reconciliation return (EMP501). 	<p>5 Years from the date of submission</p>
<p>Notwithstanding the provisions of Part A of Chapter 4 of the Tax Administration Act, a registered micro business must only retain a record of:</p> <ul style="list-style-type: none"> • Amounts received by that registered micro business during a year of assessment. • Dividends declared by that registered micro business during a year of assessment. • Each asset of that registered micro business as at the end of a year of assessment with a cost price of more than R10 000. • Each liability of that registered micro business as at the end of a year of assessment that exceeded R10 000 	<p>5 years from date of submission or 5 years from end of the relevant tax year depending on type of transaction</p>

Value Added Tax (VAT)

<p>Where a vendor's basis of accounting is changed the vendor shall prepare lists of debtors and creditors showing the amounts owing by the debtors and owing to the creditors at the end of the tax period immediately preceding the changeover period.</p>	<p>5 Years from the date of submission of the tax return</p>
<p>Vendors/service providers, i.e. your school, is obliged to keep the following records:</p> <ul style="list-style-type: none"> • Record of all goods and services • The rate of tax applicable to the supply and the suppliers or their agents • Invoices • Tax invoices • Credit notes • Debit notes • Bank statements • Deposit slips • Stock lists • Paid cheques 	<p>5 Years from the date of submission of the tax return</p>
<p>If you are personally going to import something to use at school the following records must be kept:</p> <ul style="list-style-type: none"> • Bill of entry, or 	<p>5 Years from the date of submission of the tax return</p>

<ul style="list-style-type: none"> • Other documents prescribed by the Custom and Excise Act • Proof that the VAT charge has been paid to SARS 	
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Non-Profit Organisations (NPOs)

<ul style="list-style-type: none"> • Audit reports • Articles of incorporation, minutes, bylaws and charter • Chart of accounts • Check copies for important payments and purchases • Copyright, trademark and patent registrations • Correspondence, legal and important matters • Deeds, mortgages and bills of sale • Depreciation schedules • Employee discrimination reports • Financial statements (year-end) • General ledgers, year end trial balance and journals • Insurance records, accident reports and claims • Mission statements and strategic plans • Program or project files • Property records, appraisals and blueprints • Tax returns and worksheets • Training manuals 	Indefinite
<ul style="list-style-type: none"> • Accident reports • Accounts receivable, payable, and notes receivable and payable • Bank statements, checks, deposit records and reconciliation • Contracts, mortgages (expired) • Contracts (until 7 years after expiration) • Donation Documentation • Expense Analyses • Garnishments • Grants funded (7 years after closure) • Invoices • Inventory records • Payroll records • Personnel files (terminated employees) • Purchase orders • Sales records • Stock and bond certificates (cancelled) • Vouchers for payments to vendors, employees, etc. 	7 Years
<ul style="list-style-type: none"> • General correspondence (1 year) • Administrative correspondence (3 years) • Customer and vendor correspondence (2 years) • Employee demographic records (3 years) • Grants, unfunded (1 year) • Insurance policies (3 years after expiration) • Internal audit reports (3 years) • Petty cash vouchers (3 years) 	3 Years and under

Public Finance Management Act

1. Public Finance Management Act, No 1 of 1999 State-owned entities have to apply the Public Finance Management Act (PFMA), No 1 of 1999.
2. Entities that fall under the definition of the PFMA are national and provincial government, which include entities such as the Human Rights Commission, the Competition Board, Eskom and Denel.
3. The PFMA has a list of all the entities that it applies to in the schedules attached to the Act.

4. Section 40(1)(a) of the PFMA states that: “The accounting officer for a department, trading entity or constitutional institution must keep full and proper records of the financial affairs of the department, trading entity or constitutional institution in accordance with any prescribed norms and standards.”
5. Section 55(1)(a) of the PFMA states that: “The accounting authority for a public entity must keep full and proper records of the financial affairs of the public entity.”
6. The Treasury Regulations, Regulation 17(2) to the PFMA states that accounting officers must retain all financial information in its original form as follows:
 - a. Information relating to one financial year – should be retained for one year after the audit report for the relevant financial year has been tabled in Parliament or the provincial legislature.
 - b. Information relating to more than one financial year – should be retained for one year after the audit report for the last of the financial years to which the information relates. If the retention period has expired the information may be stored in an alternative form that still ensures the integrity and reliability of the information. The Treasury Regulations provide the detailed guidance to this section of the PFMA regarding the retention of documents. State-owned entities that are registered companies must comply with the requirements that are the most stringent between the Companies Act and PFMA

General ledger and cash books or similar records 15 years	15 Years
Internal audit reports	10 Years
Main transaction summary records, including general journals and transaction summaries	10 Years
Primary evidentiary records, including copies of forms issued for value, vouchers to support payments made, pay sheets, returned warrant vouchers or cheques, invoices and similar records associated with the receipt or payment of money	5 Years
Source documents; General and incidental source documents not included above, including stock issue and receivable notes, copies of official orders (other than copies for substantiating payments or for unperformed contracts), bank deposit books and post registers	5 Years
Subsidiary ledgers, including inventory cards and records relating to assets no longer held or liabilities that have been discharged	5 Years
Supplementary accounting records, including, for example, cash register strips, bank statements and time sheets	5 Years
System appraisals	10 Years

References:

- <http://www.mdacc.co.za/wp-content/uploads/2013/11/Retention-of-documents-updated-October-2013.pdf>
<https://www.smartfile.com/blog/nonprofit-document-retention-policy/>