



YOUR COMPLETE INFORMATION GOVERNANCE PARTNER

Buckets, Benefits, and Boundaries: HR Records in a Growing Privacy Climate

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ZASIO

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Meet Our Presenters

Records & Information Management Experts



**Jennifer Chadband, CRM, IGP,
CIPP/E, Licensed Attorney**

Senior Consultant / Consulting Co-Manager



**Brandon Tuley, CIPP/E
Licensed Attorney**

Senior Analyst



**Rick Surber, CRM, IGP
Licensed Attorney**

Senior Consultant / Consulting Co-Manager



Today's Agenda

- **Discussion**

- Understanding Big Bucket vs. Data Object-Level Retention
- Bridging Operational Simplicity with Privacy Demands
- Deep Dive into Key HR Record Categories
- Navigating Global Retention Challenges
- Practical Takeaways and Next Steps

- **Questions**

Practical Strategies to Bridge the Gap Between Operational Simplicity and Privacy

- **Obstacles**

- **Deletion vs. Retention Dilemma**

- Deletion Pressures
 - ❑ Storage Limitation Principle
 - ❑ Cost Savings
 - Retention Pressures
 - ❑ Recordkeeping Requirements
 - ❑ Operational Needs

- **Global Operations**

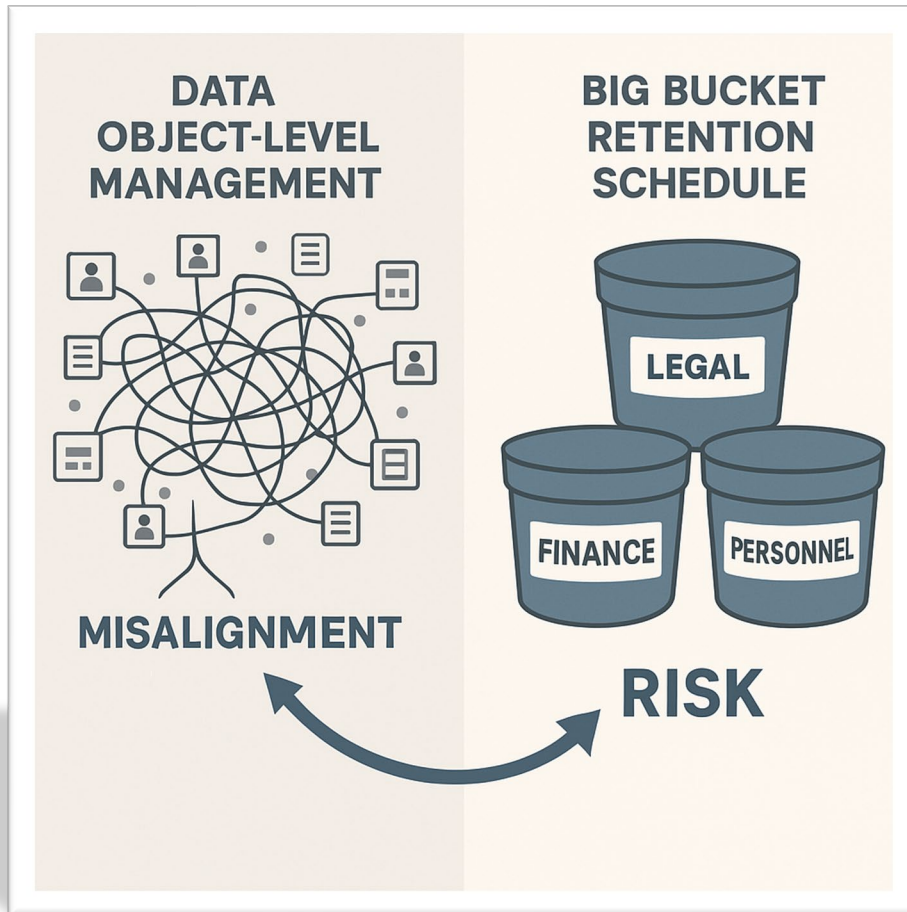
- Retention Policy Complexity
 - Global Retention Periods

- **Granularity vs. Big Bucket**

- Lacking Granularity → Results in Over Retention
 - Excessive Granularity → Likely Not Followed



Reconciling Data Object-Level Management With Big Bucket Retention Schedules



- **Key Considerations**

- **Data Object-Level Complexity**

- Payroll entry
- Performance review
- Email

- **Privacy and Compliance Risks**

- Misalignment with Retention Categories
 - Over-retention
 - Under-Retention

- **Technology**

- Enables Targeted Deletion and Data Minimization

Viewer Submitted Question

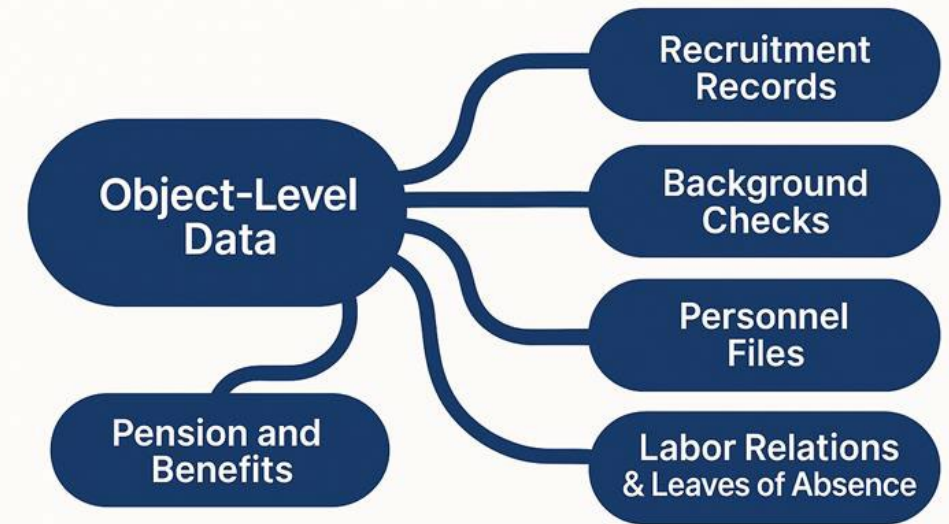
What is the recommended industry approach for managing the retention of employee source data, particularly when the dataset itself serves as a foundational record due to its extensive interdependencies with other HR records that rely on it for downstream data integrity?

Is it appropriate to retain employee source data until all dependent records have reached the end of their retention periods? If so, what are the best practices for documenting this approach to ensure compliance with regulatory requirements?

Bridging the Gap – From Data Complexity to RRS Clarity

- **Managing Object-Level Data Effectively**
 - **Classification Rules**
 - Align Granular Data With Broader Retention Categories
 - **Metadata**
 - **Leverage Automation Tools to Assist**
 - Identify Personal Data
 - Suggest Retention Categories
 - Flag Misclassified Records

Mapping Object-Level Data to the RRS



Bridging the Gap – Recruitment Records

- **Addressing Obstacles**

- How do we Handle Non-Hired vs. Hired?
- How Does This Differ for Global Operations?

- **Recruitment Records – Non-Hired**

- Global Retention Period Range: 6 Months – 2 Years
- Retention Considerations
 - Recordkeeping Requirements
 - ☐ Express Retention Requirements = Limited
 - United States: California → Colorado
 - Canada: Ontario
 - ☐ Maximum Compelled Requirements = More Common in EU
 - Discrimination Claims

- **Recruitment Records – Hired**

- Global Retention Period Range: DOE + 5-7 Years
 - Personnel File



Bridging the Gap – Background Checks



- **Addressing Obstacles**

- How do we Handle Non-Hired vs. Hired?
- What Record Do We Keep?

- **Background Checks – Non-Hired**

- Global Retention Period Range: Decision – 1 Year
 - Retention Considerations
 - ☐ Recordkeeping Requirements
 - ☐ Discrimination Claims

- **Background Checks – Hired**

- Global Retention Period Range: Decision – DOE + 7 Years
 - Retention Considerations
 - ☐ Recordkeeping Requirements
 - United States → Industry Specific Requirements
 - ✓ Radioactive Materials
 - ✓ Financial Services
 - ✓ Aviation
 - ☐ Discrimination Claims

Bridging the Gap – Personnel Files



- **Addressing Obstacles**
 - What Records Make Up The Personnel File?
 - All Wrapped Up in One File?
- **Defining the Personnel File**
 - Different for Each Jurisdiction
 - Importance from a Privacy Perspective
 - Separate Files for Sensitive Information
 - ☐ Medical
 - ☐ Performance Reviews
 - ☐ Grievances
 - Global Retention Period Range: DOE + 5-7 Years
 - Retention Considerations
 - ☐ Recordkeeping Requirements
 - ☐ Statutes of Limitations
 - ☐ Legal Liabilities



Viewer Submitted Question

We're considering digitizing our HR records, which include a wide variety of documents—such as background checks, address changes, annual performance reviews, and more. Each document type has its own retention requirements, which adds complexity to the process.

What would be an effective strategy for applying the correct retention period to each document type within a personnel file? Alternatively, would it be more practical to assign the longest applicable retention period to the entire file?

Viewer Submitted Question

Given that employee documentation is often segmented into distinct record types—such as personnel files, learning and development records, benefits documentation, and performance management files—each governed by different legal and regulatory retention requirements, what is the recommended industry approach for managing these interdependencies while avoiding unnecessary over-retention?

Specifically:

- Is it advisable to apply the longest retention period (typically driven by benefits records like pension or life insurance) to all employee-related records for simplicity and risk mitigation?
 - If so, how is this reconciled with increasingly stringent privacy regulations (e.g., GDPR, CCPA) that emphasize data minimization and purpose limitation?
 - If not, what criteria or frameworks should guide decisions about what to retain versus what to securely dispose of?



Bridging the Gap – Pension and Benefits



- **Addressing Obstacles**
 - Do We Need a Skeleton Record Series?
- **Enrollment, Elections, Contributions etc.**
 - Global Retention Period Range: Final Payment + 5-11 Years
 - Retention Considerations
 - Recordkeeping Requirements
 - ☐ United States → ERISA
 - Estate of Barton v. ADT Security Services Pension Plan
 - Latin America → Archival Requirements
 - ☐ Court Opinions and Case Law
 - Skeleton Record Series
 - ☐ Limit Information
 - ☐ Record Series Connections
 - ☐ Calculable Retention Period

Bridging the Gap – Leaves of Absence & Labor Relations

- **Leaves of Absence**

- Addressing Obstacles
 - Can We Maintain These Within Our Payroll Record Series?
 - How Do We Handle Sensitive Information?
- Global Retention Period Range: Creation + 2-7 Years
- Retention Considerations
 - Sensitive Health Information
 - Recordkeeping Requirements

- **Labor Relations**

- Addressing Obstacles
 - Why Do Stakeholders Request Such Different Retention Periods?
- Global Retention Period Range: Expiration + 7-15 Years
- Retention Considerations
 - Operational Needs Likely Differ for Each Country
 - Dispute Resolution
 - Recordkeeping Requirements
 - Scarce

Bridging the Gap – Data Subject Requests (DSRs)

- **Addressing Obstacles**

- What Records Do We Retain?
- What About Copies of Records We Provide Responding to the Request?

- **Retention Considerations**

- Global Retention Period Range: Final Resolution + 2-5 Years
- Recordkeeping Requirements
 - Data Subject Requests
 - Limited But Starting to Increase
- Retain the Request Itself
 - Copies = Transitory
 - Avoid Creating More Personal Data
- Downstream Dependency
 - Logs





Viewer Submitted Question

A question came up recently about how we manage Certificates of Destruction (COD), especially when using automated purge processes. I'm curious how other organizations handle this—particularly when using a broad retention schedule, like a “big bucket” approach for HR records.

If our HR team sets up automated purges based on that schedule, how do we ensure there's a record of the destruction? And how do we make sure we've checked for any active litigation holds before the purge happens?

Any best practices or insights on managing CODs in this kind of setup would be really helpful.

Conclusion & Next Steps

- **Review and Simplify Your Retention Schedule With Data Privacy in Mind**
- **Align Retentions and Triggers With Privacy Principles**
- **Train Teams on the Balance Between Operational Needs and Privacy**
- **Monitor Global Legal Developments**



Thank You!

Questions?



Warren Bean

VP Technology
& Product Dev.



Rick Surber

Senior Consultant



Frank Fazzio

Senior Analyst

Presenting in Phoenix!


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