



# BERMUDA MERCHANT SHIPPING GUIDANCE NOTICE

Bermuda Document Retention Policy

2023-02

## Application

Ship Owners, Managers, Masters and Officers of Bermuda Registered ships

## References

MARPOL Annexes I, II, V

Bermuda Merchant Shipping Guidance Notice 2019-017 Electronic Record Keeping Systems

Bermuda Personal Information Protection Act 2016

Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Asbestos) Regulations 2019 BR26 / 2019

Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Carcinogens and Mutagens) Regulations 2019 BR 28/2019

Merchant Shipping (Accident Reporting and Investigation) Regulations 2021.BR 110/2021

## Summary

This notice is to guide Owners, Managers and Masters of Bermuda registered ships about the retention periods for documents required by the Bermuda Shipping and Maritime Authority.

This Notice was issued on 27<sup>th</sup> March 2023.

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## 1. Introduction

- (1) The company's Safety Management System should state the requirements for document and data retention.

## 2.Shipboard Records

- (1) Bermuda Merchant Shipping Guidance Notice 2019-017 *Electronic Record Keeping Systems* gives the following minimum retention periods of various records.

Record Type	Minimum Retention Period	Reference
Seafarer Employment Agreements/ Articles and Crew Agreements	7 years after expiry	
Oil Record Book Part I	3 years	MARPOL Annex I Reg. 17.6
Oil Record Book Part II	3 years	MARPOL Annex I Reg. 36.7
Noxious Liquid Substances Record Book	3 years	MARPOL Annex II Reg. 15.5
Garbage Record Book Part I	2 years	MARPOL Annex V Reg. 10.3.5
Garbage Record Book Part II	2 years	MARPOL Annex V Reg. 10.3.5
Bunker Delivery Notes	3 years	MARPOL Annex VI Reg. 18.6
Record of navigational activities under SOLAS V/28	1 year	A.916(22) para. 4.4
Radio records required by SOLAS IV/17	1 year	
Ballast Water Record Book	years onboard 3 years by Company	BWM Convention Regulation B-2.2

## 3.Personal Information

- (1) Personal information is defined in the Bermuda Personal Information Protection Act 2016 as *any information about an identified or identifiable individual*.
- (2) An organisation shall ensure that personal information for any use is not kept for longer than is necessary for that use.
- (3) An organisation shall protect personal information that it holds with appropriate safeguards against risk, including loss; unauthorised access, destruction, use, modification, or disclosure; or any other misuse.
- (4) Any personal data, which is not part of a record, is kept for as short a time as possible and then destroyed.
- (5) Retention periods for such records are set out in the below table:

Type of record	Held by	Retention period
Leave sheets (annual, flexi, etc)	Employee	Three years
Performance management - Talent management - Reward and Recognition - Personal development	Line manager	Three years
Attendance Management - Sick Leave - Occupational Health - Workplace Adjustments	Line manager	Signed fit notes from doctors: return to employee within one month of return to work. All other records: seven years
Health & Safety	Line manager	Three years
Discipline (Dismissal and non-dismissal)	Line manager HR case worker	Three years from date of last document
Grievance, Investigations and Appeals	Line manager HR case worker Investigating officer	Three years from date of last document
Recruitment - applications - supporting documents (paper originals)	Recruiting manager	Two years from date decision made
Resignation and associated leavers' paperwork	Line manager	Three years from last date of service
<ul style="list-style-type: none"> <li>whistle-blowing</li> <li>Bullying &amp; Harassment Mental Health Allies</li> </ul>	HR case worker	Three years from date of last document
Expenses (including receipts)	Employee	Three years

#### 4. Bermuda Approved Doctors

- (1) All associated records must be maintained for a period of 10 years, even if the Approved Doctor no longer performs examinations for the sponsoring company or retires.
- (2) Any information relating to occupational health surveillance data must be kept for 40 years.

#### 5. Asbestos Exposure

- (1) Health records and medical surveillance
  - a. The employer must ensure that a health record is maintained, containing particulars of each worker who is exposed to asbestos.

- b.** The health record, or a copy of it, is to be kept available in a suitable form, for at least 40 years from the date of the last entry made in it.

## 6. Biological Agent Exposure

### (1) Health records and medical surveillance

- a.** The employer shall keep a list of workers exposed to group 3 or group 4 biological agents, indicating the type of work done and, wherever possible, the biological agent to which they have been exposed, as well as records of exposures, accidents and incidents as appropriate.
  - b.** Such records are to be retained for at least 10 years following the end of exposure.

## 7. Carcinogen and Mutagen Exposure

### (1) Health records and medical surveillance

- (2)** In cases where health surveillance is carried out, an individual medical record shall be kept and the doctor or body responsible for health surveillance shall propose any protective or preventive measures to be taken in respect of any individual workers.
  - a.** Where health surveillance is carried out records shall be retained for at least 40 years following the end of exposure. If the employer ceases to trade, these records shall be provided to the Minister.
- (3)** The employer shall keep an up-to-date list of workers engaged in activities in respect of which an assessment has revealed a risk to the health or safety of workers, including (if the information is available), the exposure to which they have been subjected.
- (4)** The medical records of workers referred to above shall be kept for at least 40 years following the end of exposure.

## 8. Accident Reporting and Investigation

### (1) Preservation of evidence

- a.** Following an accident involving a ship all documents or other records which might reasonably be considered pertinent to the accident are to be kept and not altered or otherwise amended to ensure that information is saved and preserved. Any equipment is to be left in the condition it was in at the time of the accident, and as far as practicable, undisturbed.
  - b.** This is to continue until:
    - i.** published notification is received from the CEO, that no safety investigation is to take place or that the investigation has been completed, or,

- ii. thirty days have passed since the CEO established that it has been decided to investigate the matter: or
- iii. the CEO or an inspector carrying out the investigation gives written notification that they are no longer required.

## **9. Records of Record of minor injuries, accidents, dangerous occurrence, and serious injury**

- (1)** Every employer shall keep a copy of all records and reports that are provided to them for a period of 10 years from the date when the report or record is made.
- (2)** Records and reports that pertain to a particular employee shall be kept for the duration of the employee's employment or 10 years; whichever period is longer.