

## EBIA Weekly Archives

### What Records Do We Have to Retain for Our ERISA Welfare Benefit Plans, and for How Long?

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**QUESTION:** What records does ERISA require us to maintain for our employee welfare benefit plans, and for how long?

**ANSWER:** Exactly what records need to be retained under ERISA will depend on the plan's characteristics. ERISA § 107 requires retaining records sufficient to document the accuracy and completeness of information required to be reported on Form 5500. (Records must be maintained by the party responsible for filing or certifying the relevant information—the plan administrator is generally responsible for filing Form 5500 and thus will have the primary record retention obligation, but other parties may also have record retention obligations.) Even for ERISA plans that are exempt from filing Form 5500 (or that qualify for simplified reporting), records relating to information that would be reportable on Form 5500 absent the filing exemption must be maintained. (It is also advisable to keep records documenting the plan's eligibility for the exemption or simplified reporting.) The records that support (or would support) Form 5500 information will vary according to the size and type of plan in question and may include items such as checks, invoices, contracts, agreements, receipts, claim records, and payroll information. Notably, summaries are generally not sufficient—the actual records must be retained. ERISA permits records to be retained electronically if certain requirements are met; see our [Question of the Week](#) for more information about electronic recordkeeping.

As for how long to keep these records, ERISA § 107 requires that they be retained for a period of not less than six years after the Form 5500 filing date (or, for plans exempt from the filing requirement, when the filing would have been due absent the exemption). Because the Form 5500 due date is well after the end of the plan year (the last day of the seventh month after the close of the plan year—later if the plan files an extension), the effective retention period is eight years from the beginning of the relevant plan year.

Finally, note that additional considerations will affect plan recordkeeping, such as requirements under the Code and other laws, demonstrating compliance with applicable laws and regulations, and keeping records in anticipation of possible litigation. For more information, see EBIA's [ERISA Compliance](#) manual at Sections XXVI.C ("What Records Must Be Retained?") and XXVI.D ("How Long Must Records Be Retained?"); see also EBIA's [Self-Insured Health Plans](#) manual at Section XXX ("Recordkeeping for Self-Insured Health Plans"). For a detailed discussion of record retention issues applicable to health and welfare plans, you may be interested in EBIA's [Record Retention Requirements for Health and Welfare Plans](#).

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