

## NATIVELY ELECTRONIC DOCUMENTS

### **What is the legal value of native electronic documents (that do not require signature by the parties)?**

The majority of legislation generally recognizes the validity and probative value of documents that are natively electronic (i.e., created as electronic originals), subject to compliance requirements. In Russia, in principle documents cannot be denied validity for being in electronic form. Russia's labour laws do not have any specific requirements relating to natively electronic HR documents.

Natively electronic documents that don't require a signature can generally be retained electronically if:

- the documents are retained in an archive in accordance with archive regulations;
- the documents are of an operational nature (such as lists of security passwords, etc.);
- the documents are informational in nature (i.e., they don't imply any obligations or responsibility for the company's employees); or,
- documents are concluded with remote employees (note: if an employee requests paper documents, the employer must provide them).

There are instances where HR related processes may necessitate the signature (execution) of documents that are beyond the scope of statutory documents (For example: applications for the granting, extension, or transfer of holidays;

applications for a meal deduction from an employee's salary; applications for the provision of documents related to an employee's labor activity; administrative notes; registers of employment contracts; registers of job instructions; personnel orders registration book, etc.). These documents may be signed by a simple electronic signature subject to the adoption of special bylaws regulating electronic workflow in the company.



While these electronic documents are not directly regulated by Russia's labor laws, Russian courts often accept these documents if the employees were properly notified and provided with instruments to sign and receive documents (i.e., the employee shouldn't have to use their personal equipment). That said, the Russian State Labor Inspectorate may consider this practice as not following the letter of the law and can fine the company and the company's officials.

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