

ELECTRONIC ARCHIVING OF PAPER ORIGINALS

Legal Framework for Electronic Archiving

Although some countries require certain types of documents to be kept and archived in their original paper form, for most categories of documents, including HR-related records, there is no such requirement, and it is generally acceptable to use electronic versions of paper records (i.e., scanned copies of paper originals) during most government agencies' inspections and audits or in court proceedings.



The evidential or probative value of electronic versions of paper records may be more easily challenged before a court than it would be for the originals. This is mainly because the original records could be tampered with or changed before being scanned, and, unless proper technology has been used (e.g., encryption and timestamping), it may not be easy to detect such changes from a scanned copy. In specific situations, it may be good practice for employers to retain archives of paper originals in the event such originals would be requested by a specific investigator, auditor, judge or authority.

Are electronic scanned copies of paper originals legally valid?

Scanned electronic copies of paper originals are legally valid as long as the archive and documents are compliant with the archive retention requirements under Order 526, "On approval of the rules for organizing storage, acquisition, accounting and use of documents from the Archive Fund of the Russian Federation and other archival documents in government bodies, local governments and organizations." That said, there are certain limitations relating to HR documents. When retaining the electronic version of paper originals, companies should follow the requirements in Order 526:

- Two or more copies of each document should be retained, with the copies being retained on different physical mediums;
- If documents are re-recorded, the company must preserve the authenticity, completeness, credibility, integrity and immutability of information contained in the electronic documents;
- Text documents, which were re-formatted or re-recorded on other mediums are submitted to the archive in a PDF/A format;
- Mediums containing electronic documents are retained separately from other documents;
- Digital archive records (archive files) include the content and meta-data of the document, files of a digital signature, copy of the text document in PDF/A format, and an archive code (i.e., a mark necessary for the identification and accountability of the record);
- The document is signed with a valid digital signature compliant with Russian legal requirements (generally, with a reinforced qualified digital signature).



Are there any legal requirements for electronic archiving systems (EAS)?

Order 526 outlines the requirements for electronic archiving systems, including that:

- electronic archive systems ensure the generation of records including the document's content and meta-data, digital signature files, copy of the text document in PDF/A format, and an archive code (i.e., a mark necessary for the record's identification and accountability);
- companies implement procedures to generate the inventory of electronic documents, documents of a department;
- companies perform anti-malware screening on electronic documents;
- companies ensure verification of the document's reproducibility;
- companies implement a procedure to verify the electronic signature used to sign the document;
- appropriate procedures for the safe and timely deletion of expired documents are implemented;
- electronic archive systems contain hardware and software tools designed for the reproduction, copying, and re-recording of electronic documents; and, the company controls the physical and technical state of these tools;
- measures preserving electronic documents from loss, unauthorized mailing, destruction or modification of information have been implemented;
- modification of software-and-hardware environment of the archive system is synchronized with the respective modifications of the company's general systems; and,
- companies ensure control over the physical state of mediums containing electronic documents and reproducibility of the documents every five years.



HR Best Practices: The full electronic archiving era is approaching, but for now it is not possible to guarantee that paper documents in Russia can be destroyed. Russian labor laws relating to the retention and execution of HR records are construed restrictively. At this time, conservative companies doing business in Russia retain the majority of original HR documents in paper form in addition to any electronic copies in the event of a dispute, particularly records that are required under labor laws.

Last updated June 2021.

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