



HR Electronic Records – United Arab Emirates

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?

Electronic archiving in the UAE is regulated by Federal Decree-Law No. 46 of 2021 On Electronic Transactions and Trust Services. Under this Law, documents, records and information can be retained electronically and would not lose legal validity or enforceability if documents are in electronic form.

Federal Law No. 36 of 2006, which amended the Law of Evidence in Civil and Commercial Transactions promulgated by Federal Law No. 10 of 1992 (Law of Evidence) states that electronic writing, communication, records and documents shall have the same force and effect as accorded to official and traditional writing and communication if the electronic document complies with the conditions and provisions of the Law.

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In practice, Ministry of Labour inspectors often request to review hard copies of employee records during periodic spot checks to ensure compliance with the Labour Law.

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

The value of an electronic record in a legal proceeding is assessed based on meeting certain conditions:

- Electronic documents should be saved in the form in which they were created, sent or received, or in a way that can be proven that the document accurately represents the information that was originally created, sent or received;
- Information should be retained in a way that allows it to be used and referred to later;
- The record retains data (if any) that enables the identification of the originator of the electronic document, its destination, and the date and time it was sent or received.

Other relevant factors may also be considered.

If a document is required to be retained in its original form, retaining an electronic copy of the document will satisfy this requirement, provided that:

- There is technical support to confirm the integrity of the information in the electronic document from the time it was created to its final form as an electronic document.
- The electronic document allows displaying the information required to be submitted when requested.
- If the record must comply with a government entity's standards, the document complies with any additional conditions related to the submission or saving of electronic documents determined by the Government Entity that supervises the submission or saving of such records or information.



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