

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 Brazil, natively electronic records are allowed and there is no restriction in creating, distributing and storing documents electronically. While the authenticity and binding effect of natively electronic documents can be challenged, the Economic Freedom Act (Law 13.874/2019, effective September 2019) may reduce or eliminate this uncertainty (along with other regulations that have not yet been issued). The Economic Freedom Act has modified a few laws, including Law 12.682/2012, which specifically sets procedures to create and store documents in electronic format.



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