

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?



In the Czech Republic, there is no prohibition on scanning paper originals electronically. Government-authorized conversion of employment records will have the same value as the paper original, but this is generally only relevant for documents that create legal obligations (such as an employment contract).

While only a government-authorized conversion will have the same legal value as the paper original, in many cases a scanned electronic copy will suffice. Most employers retain the original version of a document in addition to the electronically stored copy until at least the end of the employee claims period (10 years after termination of employment).

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

There are no special provisions in the Czech Republic relating to electronic archiving systems.



HR Best Practices:

The full electronic archiving era is approaching, but for now it is not possible to guarantee that all paper documents can be destroyed. Indeed, the acceptance of digital copies remains subject to the discretion of the judge.

Similar to the electronic signature, electronic archiving will probably also develop to a three-level structure: simple, advanced and certified archiving. Over time, this means that certified electronic archiving will make the burden of proof fall under the responsibility of the challenging party.

Last updated January 2019.

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