

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.

Natively electronic documents and contracts are permitted in Singapore under the Electronic Transactions Act (ETA). Per the ETA (Sec. 9(1)), when a rule of law requires a document, record or information to be retained, the record can be created electronically as long as:

- the information in the record remains accessible for subsequent reference;
- the electronic record is retained in the format it was generated/sent/received or, is retained in a format which can be demonstrated to accurately reflect the original content;

- the information (if any) enables the identification of the origin and destination of the electronic record as well as the date and time it was sent/received/retained; and,
- the natively electronic document meets any additional requirements outlined by the public agency which has supervision over the retention of the records.

Therefore, HR-related documents (e.g. employment contracts, letters of intent, etc.) can be created directly in electronic form, without need for a paper original.



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