

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 Australia, the Electronic Transactions Act 1999 generally allows records to be created electronically. While natively electronic documents are permitted, note that there could be disputes about whether an employee received the document absent of a signature or other evidence of receipt. Ensure any natively electronic



document contains metadata, which can be useful in court proceedings. Metadata may include information about the document's:

- author;
- company;
- creation date;
- last print date; and,
- geolocation (for photographs).

Native documents that are converted to non-native versions may result in a loss of data (such as a Word document converted to a PDF). In these cases, you may want to retain both versions of the electronic record.

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