



HR Electronic Records – Argentina

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.

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Are electronic scanned copies of paper originals legally valid?

In Argentina, the validity of an electronically scanned copy of a paper record is based on the evidence provided to support the record’s authenticity.

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

Argentina does not have a regulation specific to the electronic archiving of employment documents, and there are no legal requirements for an electronic archiving system to be considered legally valid.

Note that the Digital Signature Law, Act. No 25506, which regulates the use of electronic and digital signatures, indirectly impacts the archiving of certain employment records. For example, the Digital Signature law allows electronic signatures on salary receipts so the signatures can be electronically stored.



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.