



HR Electronic Records – Israel

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?

Israel does not have any requirement to retain HR records in paper form, and electronic copies of paper records can be stored in the cloud.

If the validity of an HR record is questioned in court, it would generally be governed by the “best



evidence” rule. This is a case law which stipulates that litigants must submit the best evidence available to prove their facts. Generally,

the courts would accept an electronic copy of a paper original that has a high credibility. That said, the original version of a document (whether paper or electronic) would usually provide the best evidence. Outside of the courts, some government authorities may require the submission of original or paper format documents.

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

Israel does not have a general regulatory or framework for electronic archiving. When personal data is maintained in an electronic archive, general privacy legislation would apply.



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, while Israel does not have a prohibition on storing copies of paper originals electronically, the acceptance of digital copies remains subject to the discretion of the judge.

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