



HR Electronic Records – Japan

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 Japan, native electronic documents are permitted under the e-Document Law (2005) and are considered to have the same legal validity as paper originals (unless there is a specific obligation to retain the law in paper format). Note that under the Labor Standards Act, the notification of employment terms (such as labor contracts, offer letters or notifications of employment) must clearly indicate the wages, working hours and other working conditions to the worker (Article 15). Until April 2019, this notification was required to be in writing (i.e. it could not be provided electronically), now the notification can be in the form of email, fax or via social media when:

- the employee wishes;
- the electronic communication is specifically addressed to the employee; and,
- the employee can print the communication out in writing, if required (Ordinance of Labor Standards Act, Art. 5-4).



As the original version of a document generally has the highest legal value in Japan, it is better to create electronic originals when planning to use an electronic archive system.

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