



HR Electronic Records – Malaysia

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 Malaysia, data provided in electronic form cannot be denied legal validity solely due to being an electronic record (Electronic Commerce Act 2006, Sec. 6). Natively electronic documents, in their original version, would be considered primary evidence under the Evidence Act 1950, and would be considered to have stronger validity than a copy.

Written information, including contracts, can be created electronically as long as the content remains accessible and intelligible for future reference. In order to increase an electronic record's evidentiary value, the integrity of the

information contained in the document should remain complete and unaltered (apart from endorsements and normal changes in the course of business/storage/display). The reliability of a record is assessed based on the purpose of the record and other relevant circumstances (Electronic Commerce Act 2006, Sec. 12).

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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