

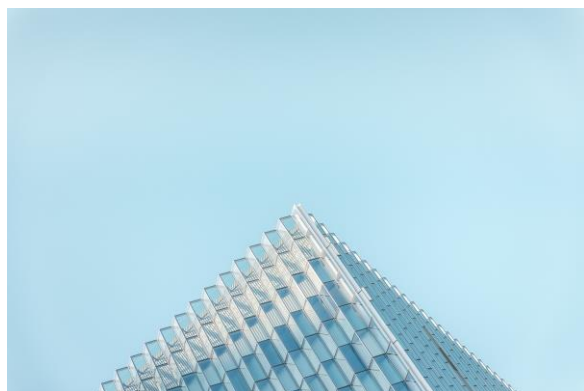


HR Electronic Records – Mexico

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?

Paper records can be scanned and stored electronically in Mexico. The Federal Labor Law (FLL) permits the admission of documents of “electronic means” as evidence. “Electronic means” is defined as any technological device for the processing, printing, displaying, storage, reproduction, recovering, extraction and preservation of information.

That said, original paper records should also be retained until the document or related statute of limitation for claims expires. Mexico is a civil law jurisdiction where strict formalities are followed and paper originals may be necessary in certain cases, such as a labor dispute, as the evidentiary

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value of a copy is generally lower than the original record.

may choose to appoint an IT expert to determine whether electronic information is complete and if it has been modified.

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

There are no specific requirements relating to electronic archives. The Federal Labor Law requires that a party submitting electronic evidence include the digital document with the minimum data necessary to determine the electronic method that contains the document being submitted. Either party or the Labor Court



HR Best

Practices: The full electronic archiving era is approaching, but for now most employers still elect to retain original paper records in Mexico in addition to electronic copies, until the expiration of the relevant record retention period.

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