



HR Electronic Records – New Zealand

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.

Under New Zealand’s Contract and Commercial Law Act 2017, information cannot be denied legal validity solely for being in an electronic form or for being an electronic communication (Sec. 211). In addition, when there is a requirement that information must be recorded in writing, that requirement is met for electronic documents as long as the information is readily accessible so it can be used for future reference (Sec. 222). If a person is required to retain information contained in an electronic communication, the

electronic communication’s origin, destination, time sent, and time received must also be retained (Sec. 231).



Therefore, HR records which do not require a signature (e.g., employee handbooks, benefit documents, letters of intent, etc.) can be created directly in electronic form, without need for a paper original.

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