

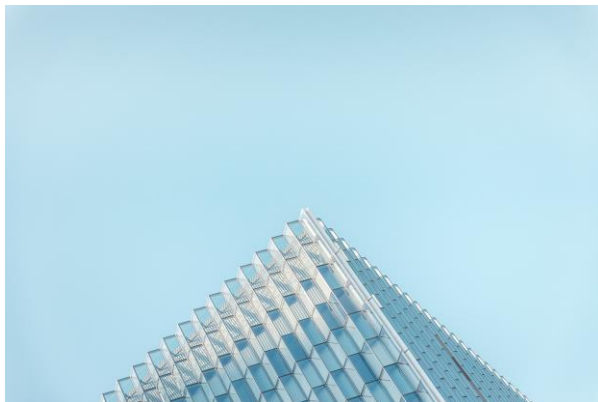


HR Electronic Records – Singapore

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?

Under Singapore's Electronic Transactions Act (ETA) (Sec. 6), information cannot be denied legal effect solely because the information is in an electronic format. In addition, electronic scanned copies of original records are allowed if (ETA, Cap. 88, Sec. 9):

- the information in the record remains accessible for subsequent reference;
- the electronic record is retained in the format it was generated/sent/received or, is retained in a format which can be demonstrated to accurately reflect the original content;
- the information (if any) enables the identification of the origin and destination of the electronic record as well as the date and time it was sent/received/retained; and,
- the natively electronic document meets any additional requirements outlined by the public agency which has supervision over the retention of the records.

UKG HR COMPLIANCE ASSIST

In addition, the Evidence Act 1893 (Evidence Act) provides that electronic records which have been manifestly or consistently acted on, relied upon, or used as information recorded or stored on a computer system, can be considered primary evidence (Sec. 64). It also introduces legal presumptions relating to electronic records, including the accuracy and reliability of an electronic record and, the authenticity of an electronic record (Sec. 116A).

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

Records can be retained electronically through electronic archiving systems if they meet the requirements listed above.

In certain circumstances a party may choose to obtain Evidence Act certification for electronic records. This has the benefit of the court presuming that electronic documents accurately represent the originals. Note that Evidence Act certification is not mandatory for electronic records to be admitted in court.



HR Best Practices:

Any disputes relating to scanned electronic copies of paper

originals will come down to a question of proof. The full electronic archiving era is approaching, but for now it is not possible to guarantee that all paper documents can be destroyed. Indeed, the acceptance of digital copies remains subject to the discretion of the judge.

Last updated March 2023.

DISCLAIMER: The information contained in this document is for general information purposes only and is not intended to be a source for legal, tax, or any other professional advice and should not be relied upon as such. This information is not intended to create, and the receipt of it by the reader does not constitute, an attorney-client relationship. All legal or tax questions or concerns should be directed to your legal counsel or tax consultant. Laws and regulations may change and UKG Inc. ("UKG") cannot guarantee that all the information in this document is accurate, current or complete. UKG MAKES NO REPRESENTATION OR WARRANTIES WITH RESPECT TO THE ACCURACY OR COMPLETENESS OF THE DOCUMENT OR THE INFORMATION OR CONTENT CONTAINED HEREIN AND SPECIFICALLY DISCLAIMS ALL REPRESENTATIONS AND WARRANTIES INCLUDING BUT NOT LIMITED TO ANY EXPRESS OR IMPLIED WARRANTIES OF MERCHANTABILITY, SUITABILITY, OR COMPLETENESS OF THIS INFORMATION. TO THE EXTENT PERMITTED UNDER APPLICABLE LAW, NEITHER UKG, NOR ITS AGENTS, OFFICERS, EMPLOYEES, SUBSIDIARIES, OR AFFILIATES, ARE LIABLE FOR ANY DIRECT, INDIRECT, INCIDENTAL, SPECIAL, EXEMPLARY, OR CONSEQUENTIAL DAMAGES (INCLUDING PROCUREMENT OF SUBSTITUTE GOODS OR SERVICES, LOSS OF USE OR PROFITS, OR BUSINESS INTERRUPTION), EVEN IF THE UKG HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES, ON ANY THEORY OF LIABILITY, WHETHER IN CONTRACT, STRICT LIABILITY, OR TORT, ARISING IN ANY WAY OUT OF THE USE OF OR INABILITY TO USE THIS INFORMATION. This document and the content are proprietary and confidential information of UKG. No part of this document or its content may be reproduced in any form, or by any means, or distributed to any third party without the prior written consent of UKG © 2023 UKG Inc. All rights reserved.