



HR Electronic Records – Vietnam

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 Vietnam, “data messages” cannot be denied validity solely because they are in electronic form (Law on E-Transactions, No. 51/2005/QH11). “Data messages” include information that has been created, transferred, received and stored via electronic means. There is no general restriction on the electronic distribution or storage of HR-related documents.

If a data message is required for evidence, the validity of the record as evidence will be based on (Art. 14):

- the reliability of the method used to generate, store or communicate the message;
- how the data message’s integrity was ensured and maintained;
- how the identity of the data message’s creator was identified; and,
- other relevant factors.



Therefore, HR-related documents can generally be created directly in electronic form without the need for a paper original.

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