



HR Electronic Records – United Kingdom

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 the UK, generally, there is no devaluation of native electronic documents. In a litigation context, Practice Direction 31B.33 of the Civil Procedure Rules states that electronic copies of disclosed documents should be provided in their native format (in the original form in which it was created by a computer software program) in a manner which preserves metadata relating to the date of creation of each document unless agreed or ordered otherwise.

There is also a broad range of legislation governing the statutory retention periods for native electronic documents not signed by the

parties (such as accounting records and National Insurance returns). From an HR perspective, if native electronic documents contain personal data, data protection restrictions will be imposed on HR departments to distribute and store documents. Guidance from the UK Information Commissioner’s Office suggests anonymizing or pseudonymizing such data when identification is no longer required so that the individual cannot be identified without the extra information which is kept separately and securely. However, there is not yet any legislation which imposes express requirements (such as time and date stamps) specific to natively electronic HR documents.



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