



Archive Legislation:
**Email archiving
in Austria**

The key laws that affect your business

Email is a primary source of documentation for many organizations and it has taken on an increasingly critical role in corporate litigation and court cases.

The need to archive all email correspondence is growing in importance because companies are realizing that being in a position to retrieve an old email could save them thousands of dollars (euros) in legal fees and fines as well as their credibility.

Today, more than ever before, legal and compliance issues are driving the case for email archiving. Email archiving legislation is complex and varies greatly from country to country. Unless companies are well versed in compliance and email compliance law, the various regulations affecting email can be a minefield.

This document provides an overview of the archiving legislation in your country.

Under Austrian law there are no general requirements regarding the archiving of emails. There are, however, certain stipulations shattered in different Acts which have impact on this matter:

Tax Law

In Austria it is necessary to institute the possibility to have business correspondence available for the last seven complete business years due to tax reasons. Therefore any documentation - regardless of its form - which is needed for tax and/or accounting reasons has to be stored for at least seven full business years.

Labour Law and Data Protection

If the private use of a company's email-system is permitted by the employer it has to be assured that such emails which contain obviously private content and/or are explicitly marked as being private are not viewed by the employer or any other persons than the employee they belong to.

Also these private emails should not be archived by the employer unless there is a very strong reason for doing so (eg the strong suspicion of malicious acts of that employee). Therefore it is strongly advised that such private emails are moved to an email folder which is marked as private and are not archived by the employer.

Obviously it might be difficult to judge the content of an email before reading it. The employer may therefore of course convey to the employee the obligation to mark the relevant messages as being private and/or move them to a private folder. If this is not feasible the employer may even interdict the private use of the company's email-system as it is to the sole discretion of the employer whether he allows the private use of the company's email system.

So far there are no relevant court decisions on these matters in Austria.

GFI Archiver

GFI Archiver is used by thousands of administrators worldwide to comply with legislation on email archiving. GFI Archiver provides a secure, tamper-proof central storage for all company email and files while allowing fast and easy access to all archived items if required.

Using the auditing functionality, management can access any email that is requested for eDiscovery/ email compliance purposes and provide a guarantee that these emails have not been tampered with – a major requirement in corporate litigation cases.

With GFI Archiver, companies can:

- Gain instant access anytime, anywhere to business critical emails, calendar entries and files via Outlook, laptop, smartphone or tablet. Retrieve old and deleted emails on demand - with full thread and conversation without any intervention needed from IT
- Use advanced email search and 'Saved Search' capabilities
- Archive files and folders and share between different users and teams to enable collaboration on different projects
- Maximize compliance and minimize legal risk with a complete, tamper-proof archive of all company email and files

The benefits for IT administrators:

- Reduce reliance on unreliable PST files and centrally store all archived items in one central database
- Free up space and resources on your mail servers by storing archived emails in a separate database. GFI Archiver is a stub-free solution and therefore does not impact your mail server performance
- Reduce user requests for retrieval of old emails or files from backup through the web-based GFI Archiver interface
- Avoid relying on third-party storage and sharing providers because your email and file archive is stored on premise, in your own environment
- Use the email setup you require, this includes Microsoft® Exchange, Office 365™, Google Apps™ and other email servers, because GFI Archiver works seamlessly with them.

More information about GFI MailArchiver can be found at <http://www.gfi.com/archiver/>.



For a full list of GFI offices/contact details worldwide,
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