



Archive Legislation:

Email archiving in Sweden

The key laws that affect your business

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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.

Laws regulating archiving

Accounting Act (SFS 1999:1078)

All Swedish companies, irrespective of the number of employees of the company, have an obligation to archive accounting information under the Swedish Accounting Act.

Accounting information shall be archived as

- i. documents;
- ii. microfiche; or
- iii. in other forms which may be read, listened to, or otherwise understood only with technical devices (mechanically readable media).

Hence, mechanically readable media, such as emails, may be used to fulfil the archiving requirement under the Accounting Act. Material containing accounting information that the company has received from any other party, shall be archived in the condition of the material as received by the company. In other words, emails received by the company containing accounting information must be archived in the form of emails. Also, material containing accounting information produced by the company itself, shall be archived in the condition of the material at the time the accounting information was completed. All forms of media used to archive accounting information shall be easily accessible. They shall be archived up to and including the tenth year following the expiry of the calendar year in which the accounting year was closed.

Anyone who intentionally or negligently violates the archive requirements under the Accounting Act may under certain conditions be liable to a fine or sentenced to imprisonment.

Public Records Act (SFS 1990:782)

Under the Swedish Public Records Act, all public authorities and legal entities (such as corporations, economic associations and trusts) where a municipality has a controlling interest¹ are under an obligation to archive inter alia all public documents (irrespective of medium) originating from its operation. Under Swedish law, public documents have an extensive meaning and include emails received by such legal entities as referred to above. Under certain conditions, outgoing emails shall be considered public documents.

The Public Records Act stipulates that the archives shall be preserved and kept in order to provide for

- i. the right to access public documents;
- ii. the administration of justice's and the public administration's need for information; and
- iii. the need for research.

The Public Records Act does not stipulate a general archiving period for the public documents. However, under certain circumstances the documents may be deleted. The requirements for such deletion, storage and organisation of the archives are set forth in the National Archives' and the local municipalities' regulations.

The Public Records Act does not set forth any penalties for not complying with the archiving obligation. However, supervision is carried out by national archive authorities to make sure that the undertakings comply with their obligations.

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/Public Sector organisations and any other company or organisation that holds information on behalf of a public sector organisation
- 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

¹ E.g. holds more than one-half of the voting rights in the legal person

- 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,
please visit: www.gfi.com/contact-us

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