



Archive Legislation:

Email archiving in Spain

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

In Spain, there are no specific regulations relating to the duty of archiving e-mails. Nonetheless, there exist several provisions in Spanish law regarding the archiving of invoicing or business documentation for example in commercial law, tax law, labour and employment law and personal data protection law that could apply to e-mails. Below a short summary of such regulations is included:

- As far as **commercial law** is concerned, the Spanish Commercial Code establishes a the duty for undertakers to keep all business documentation (i.e. accounting books, correspondence and other business-related documentation) during a six-year term since the last book accounting entry.
- Regarding **tax law**, any accounting document or invoice must be kept for a general term of four (4) years. Such a term is linked to the four (4) years term foreseen in connection with the prescription of tax infringements.
- No specific infringements are foreseen in case of non fulfilment of above mentioned duties. However, tax-related liabilities may arise in case such duties are not respected.
- **Labour and employment law** also has a large number of document-retention obligations with respect to employment-law-related documents for which a four (4) years period is foreseen. The lack of fulfilment of such conservation duties is considered as a non- severe infringement of labour and Social Security regulations, which may be sanctioned with fines from €60 up to €625.
- Finally, **Personal data protection law** also foresees that any document containing personal data should be conserved as long as the reason justifying the keeping and processing of such personal data is in force. At this respect, note that the management of personal data without the consent of the individuals is considered as a high severe infringement of the Spanish Personal Data Act, which is sanctioned with fines up to €601.012, 10.

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 ITPublic 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
- 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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