

Quarantine in connection with COVID-19 accelerates the transition to electronic document management in Kazakhstan

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During the state of emergency and strict quarantine in Kazakhstan, many companies are experiencing difficulties with business processes that require decisions to be approved by the responsible person(s) signing a printed document.

To address this situation, companies are switching to electronic document management. For example, many companies are obtaining approvals and executing contracts by exchanging electronic messages, and banks are accepting applications in a scanned form by e-mail.

The legal framework for electronic document was introduced in Kazakhstan a long time ago through the Law on Electronic Document and Electronic Digital Signature of 2003 (the "**EDS Law**"). An important principle established by the law is that an electronic signature is absolutely equivalent to a handwritten (wet) one. However, taking into account the need to verify the authenticity of a signature, the EDS Law has established a number of requirements for an electronic signature itself, as well as for the information system, in which documents with electronic signatures are exchanged. An electronic document with an electronic signature will be equivalent to a document with a handwritten signature only if the requirements of the EDS Law are observed.

The first impression may be that the EDS Law creates technical obstacles to the transition to electronic document management. But we are of the opinion that there are conditions, not only legal, but also organizational, as well as technical, which will allow companies to transfer their system to electronic document management and integrate it with the information system of other enterprises.

In order to "preserve" the legal significance of electronic documents, when transitioning to electronic document exchange, we recommend combining all company documents into groups and determining the requirements of Kazakhstan legislation for each group. This will help to understand which documents require a wet signature, and which can be signed electronically.

In some cases, a company can also use a signature that is actually electronic, but which does not comply with the provisions of the EDS Law, such as the signature in an electronic message, a scanned document with a handwritten signature and other options.

It is obvious that electronic document exchange enhances the efficiency of business and administrative processes. We believe that the state of emergency and quarantine have only accelerated the process of transition to electronic document management. Many enterprises, where possible, will refuse to use paper documents, and indeed, there are already spheres where it is impossible to submit an application or receive a public service in paper form.

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