

To what extent can we use electronic systems to store I-9s and other personnel documents?

Q. I understand that I-9 forms can now be stored electronically. To save on office space and filing time, our department is considering scanning and electronically filing all personnel files and documents. Is this OK?

A. Yes, an employer may electronically maintain I-9 forms and other personnel files and documents. I-9 forms may be maintained in an electronic generation or storage system that includes:

1. **Reasonable controls to ensure the integrity**, accuracy and reliability of the electronic storage system
2. **Reasonable controls designed to prevent** and detect the unauthorized or accidental creation of, addition to, alteration of, deletion of or deterioration of an electronically completed or stored Form I-9, including an electronic signature, if used
3. **An inspection and quality assurance program** that regularly evaluates the electronic generation or storage system, and includes periodic checks of electronically stored I-9 forms, including an electronic signature
4. **A retrieval system that includes** an indexing system that permits searches by any data element
5. **The ability to reproduce** legible paper copies.

With regard to personnel files and other documents, the relevant laws do not prohibit maintaining those records electronically (nor do they specifically address the issue).