

### 7.3.2.1.

## **PROVISIONS ON ELECTRONIC DOCUMENTS**

### **BUREAU DECISION**

**OF 1 OCTOBER 2018**

THE BUREAU OF THE EUROPEAN PARLIAMENT,

- having regard to the European Parliament's Rules of Procedure ('the Rules of Procedure'), and in particular Rule 161 thereof,
- having regard to the Bureau Decision of 2 July 2012 on 'Rules on document management in the European Parliament', and in particular Article 13 thereof,

Whereas:

- (1) The digitisation of processes, including the exchange of documents, within the European Parliament and with third parties has led to an increasing number of electronic documents, comprising digitised and born-digital material alike,
- (2) The Bureau Decision of 2 July 2012 lays down the document management rules applicable throughout the European Parliament. The aims of this decision include, in particular, retaining proof of the European Parliament's activities with a view to establishing that its legal obligations have been complied with and facilitating the operational exchange of information within Parliament. For the purposes of implementing the document management system created pursuant to the Bureau Decision of 2 July 2012 and its implementing measures, a common single deposit system for electronic documents is being introduced for use in the European Parliament based on common rules and procedures applicable to all Directorates-General or equivalent administrative bodies,
- (3) Provisions must be adopted to determine not only the conditions under which electronic documents are valid for the European Parliament's purposes, where these conditions are not determined elsewhere, but also the conditions under which they are to be stored, guaranteeing the integrity and legibility over time of such documents and of the related metadata throughout the period for which they are to be kept,

HAS ADOPTED THIS DECISION:

## **TITLE I GENERAL PROVISIONS**

### *Article 1 Subject matter*

These provisions determine the conditions of validity of electronic documents, electronic procedures and electronic means of transmission for the European Parliament's purposes. They are also intended to ensure the authenticity, integrity and legibility over time of these documents and of the relevant metadata.

### *Article 2 Scope*

These provisions apply to electronic documents drawn up or received and held by the European Parliament.

They may also be applicable, subject to agreement, to electronic documents exchanged via data transmission networks between administrations to which the European Parliament belongs.

### *Article 3 Definitions*

For the purpose of these provisions, the following definitions shall apply:

1. 'document': document as defined by Article 2(f) of the Bureau Decision of 2 July 2012;
2. 'electronic document': any document stored in electronic form, in particular text or an audio, visual or audio-visual recording;
3. 'born-digital document': document that originates in a digital form;
4. 'digitised document': the result of digitisation of information initially stored on physical media (paper, microform, or film, analogue audio, or audio-visual tapes);
5. 'life cycle of a document': all the stages or periods in the life of a document from the time it is drawn up or received until it is disposed of in accordance with the rules on document management, whether it be destroyed or transferred to the historical archives, and possibly made accessible to the public;
6. 'European Parliament's document management system': all documents and metadata drawn up, received, recorded, filed and stored by the European Parliament;
7. 'authenticity': the fact that a document is what it purports to be and that it is free from tampering or corruption;
8. 'integrity': the fact that the information contained in the document and the relevant metadata are complete (all the data present) and correct (each data item is unchanged);

9. 'legibility over time': the fact that the information contained in the document and the relevant metadata remain easily readable by any person who is required or entitled to have access to them throughout the life cycle of the document, from its formal establishment or reception until its transfer to the European Parliament's historical archives and its opening to the public or its authorised destruction in accordance with the required retention period;
10. 'metadata': the data describing the context, contents and structure of documents and their management over time, as determined by the implementing measures for the application of the rules on document management and for the application of these provisions;
11. 'signatory' means a natural person who creates an electronic signature;
12. 'electronic signature': data in electronic form which is attached to or logically associated with other data in electronic form and which is used by the signatory to sign;
13. 'advanced electronic signature': an electronic signature which meets the requirements set out in Article 26 of Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC ('Regulation No 910/2014');
14. 'qualified electronic signature': an advanced electronic signature that is created by a qualified electronic signature creation device, and which is based on a qualified certificate for electronic signature;
15. 'electronic seal': data in electronic form which is attached to or logically associated with other data in electronic form to ensure the latter's origin and integrity;
16. 'advanced electronic seal': an electronic seal which meets the requirements set out in Article 36 of Regulation No 910/2014;
17. 'qualified electronic seal': an advanced electronic seal that is created by a qualified electronic seal creation device, and which is based on a qualified certificate for electronic seal;
18. 'electronic time stamp': data in electronic form which binds other data in electronic form to a particular time establishing evidence that the latter existed at that time;
19. 'qualified electronic time stamp': an electronic time stamp which meets the requirements set out in Article 42 of Regulation No 910/2014;
20. 'certificate for electronic signature': an electronic attestation which links electronic signature validation data to a natural person and confirms at least the name or the pseudonym of that person;
21. 'qualified certificate for electronic signature': a certificate for electronic signatures that is issued by a qualified trust service provider and meets the requirements laid down in Annex I to Regulation No 910/2014;
22. 'certificate for electronic seal': an electronic attestation that links electronic seal validation data to a legal person and confirms the name of that person;
23. 'qualified certificate for electronic seal': a certificate for electronic seal that is issued by a qualified trust service provider and meets the requirements laid down in Annex III to Regulation No 910/2014;

24. ‘certificate for website authentication’: an attestation that makes it possible to authenticate a website and links the website to the natural or legal person to whom the certificate is issued;
25. ‘qualified certificate for website authentication’: a certificate for website authentication that is issued by a qualified trust service provider and meets the requirements laid down in Annex IV to Regulation No 910/2014;
26. ‘trust service’: an electronic service which consists of:
- (a) the creation, verification and validation of electronic signatures, electronic seals or electronic time stamps, electronic registered delivery services and certificates related to those services, or
  - (b) the creation, verification and validation of certificates for website authentication; or
  - (c) the preservation of electronic signatures, seals or certificates related to those services;
27. ‘qualified trust service’: a trust service that meets the applicable requirements laid down in Regulation No 910/2014;
28. ‘trust service provider’: a natural or a legal person who provides one or more trust services either as a qualified or as a non-qualified trust service provider;
29. ‘qualified trust service provider’: a trust service provider who provides one or more qualified trust services and is granted the qualified status by a supervisory body designated pursuant to Article 17 of Regulation No 910/2014;
30. ‘electronic signature creation device’: configured software or hardware used to create an electronic signature;
31. ‘qualified electronic signature creation device’: an electronic signature creation device that meets the requirements laid down in Annex II to Regulation No 910/2014;
32. ‘electronic seal creation device’: configured software or hardware used to create an electronic seal;
33. ‘qualified electronic seal creation device’: an electronic seal creation device that meets *mutatis mutandis* the requirements laid down in Annex II to Regulation No 910/2014.
34. ‘electronic fingerprint’: a procedure that maps an arbitrarily large data item (such as a computer file) to a much shorter bit string, its fingerprint, which uniquely identifies the original data for all practical purposes.

**TITLE II**  
**ELECTRONIC SIGNATURES, ELECTRONIC SEALS AND ELECTRONIC TIME STAMPS**

*Article 4*

*Legal effects of electronic signatures*

1. An electronic signature should not be denied legal effect and admissibility as evidence in legal proceedings solely on the grounds that it is in an electronic form or that it does not meet the requirements for qualified electronic signatures.
2. A qualified electronic signature shall have the equivalent legal effect of a handwritten signature.
3. A qualified electronic signature based on a qualified certificate issued in a Member State shall be recognised as a qualified electronic signature by the European Parliament.

*Article 5*

*Legal effects of electronic seals*

1. An electronic seal should not be denied legal effect and admissibility as evidence in legal proceedings solely on the grounds that it is in an electronic form or that it does not meet the requirements for qualified electronic seals.
2. A qualified electronic seal shall enjoy the presumption of integrity of the data and of correctness of the origin of that data to which the qualified electronic seal is linked.
3. A qualified electronic seal based on a qualified certificate issued in a Member State shall be recognised as a qualified electronic seal by the European Parliament.

*Article 6*

*Legal effects of time stamps*

1. An electronic time stamp should not be denied legal effect and admissibility as evidence in legal proceedings solely on the grounds that it is in an electronic form or that it does not meet the requirements of the qualified electronic time stamp.
2. A qualified electronic time stamp shall enjoy the presumption of the accuracy of the date and the time it indicates and the integrity of the data to which the date and time are bound.
3. A qualified electronic time stamp issued in a Member State shall be recognised as a qualified electronic time stamp by the European Parliament.

### **TITLE III ELECTRONIC DOCUMENTS**

#### *Article 7*

#### *Legal effects of electronic documents*

An electronic document should not be denied legal effect and admissibility as evidence in legal proceedings solely on the grounds that it is in electronic form.

#### *Article 8*

#### *Validity of electronic documents*

1. Whenever the applicable EU or national provision requires the signed original of a document, an electronic document drawn up or received by the European Parliament satisfies this requirement if the document in question bears a qualified electronic signature or a qualified electronic seal.
2. Whenever an entity within the European Parliament requires a signed original of a document, an electronic document drawn up internally satisfies this requirement if the document in question bears an advanced electronic signature or an advanced electronic seal based on a certificate for electronic signature (or seal, as the case may be) issued or recognised as valid by the internal trust service provider of the European Parliament.
3. Whenever the applicable EU or national provision or an entity within the European Parliament requires a document to be drawn up in writing without, however, requiring a signed original, an electronic document drawn up or received by the European Parliament satisfies this requirement if the person from whom it emanates is duly identified and the document is drawn up under such conditions as to guarantee the integrity of its contents and of the relevant metadata and is stored and archived in accordance with the conditions laid down in Article 12.

#### *Article 9*

#### *Validity of digitised documents*

1. A digitised document is deemed a reliable copy of the original document when it is the result of an electronic reproduction method that guarantees its fidelity to the original source document and that produces metadata related to the digitised document created and allows for its identification, in particular specifying the context of the digitisation process and the date of creation of the digitised document.
2. The integrity of the digitised document resulting from an electronic reproduction process is evidenced by an electronic fingerprint that ensures that any subsequent modification of the digitised document to which it is attached is detectable. This condition is presumed to be fulfilled by the use of an electronic time stamp, an advanced electronic seal or an advanced electronic signature. The digitised document is stored and archived in accordance with the conditions laid down in Article 12.

**TITLE IV**  
**PROCESSING OF ELECTRONIC DOCUMENTS**

*Article 10*  
*Validity of electronic procedures*

1. Where a procedure specific to the European Parliament requires the signature of an authorised person or the approval of a person at one or more stages of the procedure, the procedure may be managed solely within the computer systems involved, provided that each person is identified clearly and unambiguously in every system involved and the systems in question ensure that the contents, including as regards the stages of the procedure, cannot be altered. Where there are two or more computer systems involved in the procedure, these shall exchange data over connections secured by a certificate for website authentication.
2. Where a procedure involves the European Parliament and other entities and requires the signature of an authorised person or the approval of a person at one or more stages of the procedure, the procedure may be managed by computer systems offering conditions and technical assurances determined by agreement.
3. Where an electronic document is produced at any stage of an electronic procedure, the validity of this document is determined in accordance with the conditions laid down in Article 8.

*Article 11*  
*Transmission by electronic means*

1. The transmission of documents by the European Parliament to an internal or external recipient may be carried out by the communication technique best adapted to the circumstances of the case.
2. Documents may be transmitted to the European Parliament by any communication technique, including electronic means.
3. Paragraphs 1 and 2 shall not apply where specific means of transmission or formalities connected with transmission are required by the applicable EU or national provisions or by an agreement between the parties.

*Article 12*  
*Modalities of storage and archiving*

1. Electronic documents shall be stored by the European Parliament throughout the retention period required and archived after this period, in accordance with the Bureau Decision of 2 July 2012, under the following modalities:
  - (a) the document shall be preserved in the form in which it was drawn up, sent or received or in a form which preserves the integrity not only of its contents but also of the relevant metadata;
  - (b) the contents of the document and the relevant metadata must be readable by any person who is authorised to have access to them;

(c) as regards a document sent or received electronically, information which makes it possible to determine its origin and destination and the date and time of despatch or receipt are part of the minimum metadata to be preserved;

(d) as regards electronic procedures managed by computer systems, information concerning the formal stages of the procedure must be stored and archived under such conditions as to ensure that those stages and the authors and participants can be identified;

(e) the operations required to ensure the legibility of the electronic document over time do not constitute an alteration of its contents or its form when they are traced and result in the generation of a new electronic fingerprint copy. This condition is presumed to be fulfilled by the use of an electronic time stamp, an advanced electronic seal or an advanced electronic signature.

2. The common single deposit system for electronic documents provided for by Article 13 of the Bureau Decision of 2 July 2012 and its implementing provisions shall serve the purposes of paragraph 1 throughout the retention period required.

The technical conditions of the electronic file deposit system shall be laid down by the implementing measures provided for by Article 14.

### *Article 13* *Security*

Electronic documents shall be managed in compliance with the security rules incumbent on the European Parliament. To that end, the information systems, networks and transmission facilities which feed the European Parliament's document management system shall be protected by adequate security measures in terms of document classification, protection of information systems and personal data protection.

## **TITLE V** **TRANSITIONAL AND FINAL PROVISIONS**

### *Article 14* *Implementing measures*

1. Implementing measures for the application of these provisions shall be adopted by the Secretary-General of the European Parliament, on the basis of a consultation with the Directorates General and equivalent administrative bodies.

2. The interdepartmental group referred to in Article 10 of the Bureau Decision of 2 July 2012 shall submit to the Secretary-General proposals for updating those measures in the light of developments in the field of document management and which reflect developments in information and communication technology and any new obligations resulting therefrom that may become incumbent on the European Parliament.

### *Article 15*



*Application in departments*

Each Directorate-General or equivalent administrative body shall take the necessary measures to ensure that documents, procedures and electronic systems for which they are responsible meet the requirements of these provisions and of the implementing measures.

*Article 16*

*Implementation*

The Secretary-General of the European Parliament shall ensure the implementation of these provisions in coordination with the Directorates-General and equivalent administrative bodies.

*Article 17*

*Entry into force*

This decision shall enter into force on 1 September 2019.