



Email archiving in Denmark

The key laws that affect your business

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

The Danish Bookkeeping Act

Scope

Pursuant to the Danish Bookkeeping Act, cf. Consolidation Act No. 648 of 15 June 2006, all enterprises carrying on business for profit, foreign enterprises carrying on business activities in Denmark, all organizations which are subject to duties or liable to full or limited taxation in Denmark, and organizations receiving subsidies from the Danish government or the EU shall keep accounting records in accordance with the Danish Bookkeeping Act.

Additional requirements may apply pursuant to other legislation caused by specific industry considerations or special requirements, e.g. computation of taxable income.

Preservation of accounting records

The enterprise under a duty to keep accounting records shall preserve the accounting records appropriately for five years from the end of the relevant financial year. The accounting records shall be preserved in such a way that it is possible independently and precisely to retrieve the relevant accounting records during the entire period.

The requirements for preservation of accounting records apply irrespective of technology and preservation form. This means that the obligations in the Danish Bookkeeping Act apply if preservation of accounting records takes place in electronic form, including in the form of emails archived in a central database.

Penalties

Any violation of the provisions under the Danish Bookkeeping Act is punishable by a fine.

The Danish act on processing of personal data

Scope

The Danish Act on Processing of Personal Data, cf. Act. No. 429 of 31 May 2000 applies on all enterprises processing data on behalf of a controller established in Denmark, if the activities are carried out within the territory of the European Community.

Security Obligations

Enterprises carrying on business in Denmark shall implement appropriate technical and organizational measures to protect the personal data against unauthorized or unlawful processing and against accidental loss, destruction, damage, alteration or disclosure. These measures shall, having regard to the nature of the personal data, be adequate to protect the personal data from any unauthorized or unlawful processing, accidental loss, destruction or damage. This means that archiving of emails containing personal data shall always be done in accordance with the provisions in the Danish Act on Processing of Personal Data.

Finally, personal data contained in emails may only be processed in accordance with good practices for the processing of data unless stipulated otherwise in the act.

Penalties

Any violation of the provisions under the Danish Act on Processing of Personal Data is punishable in the form of a fine or prison up to 4 months. Furthermore enterprises shall compensate any damage caused by the processing of data in violation of the provisions of the act unless it is established that such damage could not have been averted through the diligence and care required in connection with the processing of data.

GFI MailArchiver

GFI MailArchiver is used by thousands of administrators to comply with the various pieces of legislation that cover email archiving. GFI MailArchiver provides a secure central storage for all company email while allowing fast and easy access to old and deleted email 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 MailArchiver, companies can also rest assured that they can:

- Reduce reliance on cumbersome PST files and manage and reduce mailbox quotas on Microsoft Exchange server
- Access and manage all archived email from anywhere in the world using their web browser
- Retrieve old and deleted emails on demand – with full thread and conversation
- Use advanced email search and 'Saved Search' capabilities

More information about GFI MailArchiver can be found at <http://www.gfi.com/mailarchiver/>.

