



Email archiving in Austria

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.

Under Austrian law there are no general requirements regarding the archiving of emails. There are, however, certain stipulations shattered in different Acts which have impact on this matter:

Tax Law

In Austria it is necessary to institute the possibility to have business correspondence available for the last seven complete business years due to tax reasons. Therefore any documentation – regardless of its form – which is needed for tax and/or accounting reasons has to be stored for at least seven full business years.

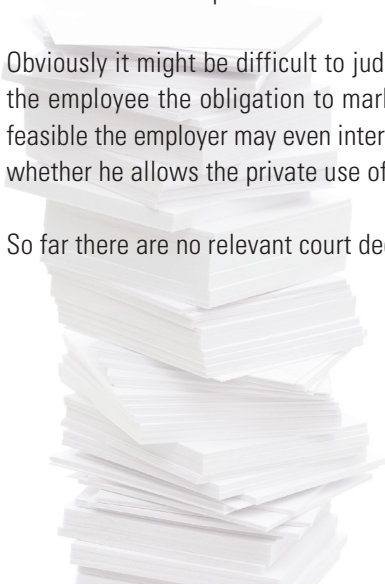
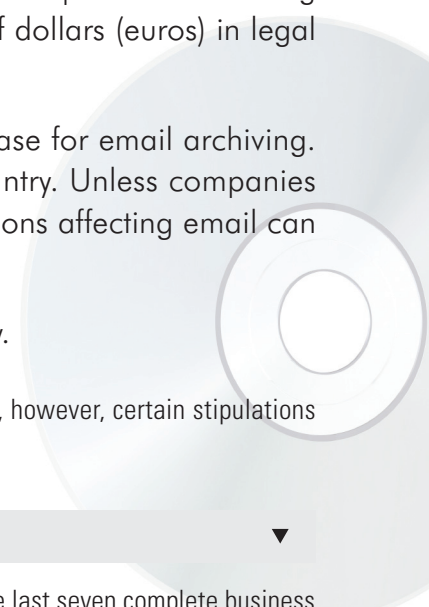
Labour Law and Data Protection

If the private use of a company's email-system is permitted by the employer it has to be assured that such emails which contain obviously private content and/or are explicitly marked as being private are not viewed by the employer or any other persons than the employee they belong to.

Also these private emails should not be archived by the employer unless there is a very strong reason for doing so (eg the strong suspicion of malicious acts of that employee). Therefore it is strongly advised that such private emails are moved to an email folder which is marked as private and are not archived by the employer.

Obviously it might be difficult to judge the content of an email before reading it. The employer may therefore of course convey to the employee the obligation to mark the relevant messages as being private and/or move them to a private folder. If this is not feasible the employer may even interdict the private use of the company's email-system as it is to the sole discretion of the employer whether he allows the private use of the company's email system.

So far there are no relevant court decisions on these matters in Austria.



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/>.

