

**Electronic Transactions Act
(CHAPTER 88)**

Table of Contents

Long Title

Part I PRELIMINARY

1 Short title

2 Interpretation

3 Purposes and construction

4 Excluded matters

5 Party autonomy

Part II ELECTRONIC RECORDS, SIGNATURES AND CONTRACTS

6 Legal recognition of electronic records

7 Requirement for writing

8 Requirement for signature

9 Retention of electronic records

10 Provision of originals

11 Formation and validity of contracts

12 Effectiveness between parties

13 Time and place of despatch and receipt

14 Invitation to make offer

15 Use of automated message systems for contract formation

16 Error in electronic communications

Part III SECURE ELECTRONIC RECORDS AND SIGNATURES

17 Secure electronic record

18 Secure electronic signature

19 Presumptions relating to secure electronic records and signatures

**Part IV REGULATION OF SPECIFIED SECURITY PROCEDURES AND
SPECIFIED SECURITY PROCEDURE PROVIDERS**

20 Interpretation of this Part

21 Specified security procedures

**22 Regulation of specified security procedures and specified security
procedure providers**

23 Controller may give directions for compliance

24 Power to investigate

**Part V USE OF ELECTRONIC RECORDS AND SIGNATURES BY PUBLIC
AGENCIES**

25 Acceptance of electronic filing and issue of documents

Part VI LIABILITY OF NETWORK SERVICE PROVIDERS

26 Liability of network service providers

Part VII GENERAL

27 Appointment of Controller and other officers

28 Obligation of confidentiality

29 Access to computers and data

30 Production of documents, etc.

31 Obstruction of Controller or authorised officer

32 Offences by bodies corporate, etc.

33 General penalties

34 Consent of Public Prosecutor

35 Jurisdiction of court

36 Composition of offences

37 Power to exempt

38 Regulations

39 Transitional provisions

FIRST SCHEDULE Matters excluded by section 4

SECOND SCHEDULE Specified security procedures

THIRD SCHEDULE Digital signatures

FOURTH SCHEDULE Designated persons

Legislative Source Key

Legislative History

Comparative Table

ELECTRONIC TRANSACTIONS ACT

(CHAPTER 88)

(Original Enactment: Act 16 of 2010)

REVISED EDITION 2011

(31st December 2011)

An Act to provide for the security and use of electronic transactions, to implement the United Nations Convention on the Use of Electronic Communications in International Contracts adopted by the General Assembly of the United Nations on 23rd November 2005 and to provide for matters connected therewith.

[1st July 2010]

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Electronic Transactions Act.

Interpretation

- 2.—(1) In this Act, unless the context otherwise requires —

“addressee”, in relation to an electronic communication, means a party who is intended by the originator to receive the electronic communication, but does not include a party acting as an intermediary with respect to that electronic communication;

“authorised officer”, in relation to the exercise of any power or performance of any duty under this Act, means a person to whom the exercise of that power or performance of that duty has been delegated under section 27;

“automated message system” means a computer program or an electronic or other automated means used to initiate an action or respond to data messages or performances in whole or in part, without review or intervention by a natural person each time an action is initiated or a response is generated by the program or electronic or other means;

“communication” includes any statement, declaration, demand, notice, request, offer or the acceptance of an offer, that the parties are required to make or

- choose to make in connection with the formation or performance of a contract;
- “Controller” means the Controller appointed under section 27(1) and includes a Deputy or an Assistant Controller appointed under section 27(3);
- “electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities;
- “electronic communication” means any communication that the parties make by means of electronic records;
- “electronic record” means a record generated, communicated, received or stored by electronic means in an information system or for transmission from one information system to another;
- “information” includes data, text, images, sound, codes, computer programs, software and databases;
- “information system” means a system for generating, sending, receiving, storing or otherwise processing electronic records;
- “originator”, in relation to an electronic communication, means a party by whom, or on whose behalf, the electronic communication has been sent or generated prior to storage, if any, but does not include a party acting as an intermediary with respect to that electronic communication;
- “public agency” means a department or ministry of the Government, an Organ of State or a public authority established by or under a public Act;
- “record” means information that is inscribed, stored or otherwise fixed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;
- “rule of law” includes written law;
- “secure electronic record” means an electronic record that is treated as a secure electronic record by virtue of section 17(1) or any other provision of this Act;
- “secure electronic signature” means an electronic signature that is treated as a secure electronic signature by virtue of section 18 or any other provision of this Act;
- “security procedure” means a procedure for the purpose of —
- (a) verifying that an electronic record is that of a specific person; or
 - (b) detecting error or alteration in the communication, content or storage