THE ELECTRONIC COMMUNICATIONS AND TRANSACTIONS ACT, 2021

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY PROVISIONS

Section

- 1. Short title and commencement
- 2. Interpretation
- 3. Application

PART II

LEGAL REQUIREMENTS FOR DATA MESSAGES

- 4. Legal requirements for data message
- 5. Writing
- 6. Use of advanced electronic signature
- 7. Use of electronic signature
- 8. Determination of originality of data message
- 9. Admissibility and evidential weight of data message
- 10. Retention of information in data message
- 11. Production of document or information
- 12. Notarisation, acknowledgment and certification
- 13. Other legal requirement
- 14. Automated transaction
- 15. Dispatch of electronic record
- 16. Receipt of electronic record
- 17. Expression of intent or other statement
- 18. Attribution of electronic records to originator
- 19. Acknowledgment of receipt of electronic record

PART III

COMMUNICATION OF DATA MESSAGES

- 20. Application of Part
- 21. Formation and validity of agreement
- 22. Expression of intent or other statement
- 23. Acceptance of electronic filing and issuing of document
- 24. Requirements for electronic filing and issuing of document

PART IV

NATIONAL PUBLIC KEY INFRASTRUCTURE

- 25. National Root Certification Authority
- 26. Functions of National Root Certification Authority
- 27. Prohibition of providing certification service or time-stamping service without licence
- 28. Licence
- 29. Certification authority
- 30. Variation of licence
- 31. Surrender of licence
- 32. Transfer cede or assignment of licence
- 33. Suspension or cancellation of licence
- 34. Registration of cryptography service provider
- 35. Recognition of foreign certification authority
- 36. Issue of certificate to subscriber
- 37. Details of certificate

PART V

CERTIFICATION AUTHORITY

- 38. Trustworthy system
- 39. Disclosure and compliance with certification practice statement
- 40. Audit services
- 41. Publication of certificate revocation list
- 42. Prohibition of publication of certificate
- 43. Representations on issuance of certificate
- 44. Recommended reliance limits
- 45. Liability limits for certification authority
- 46. Suspension of certification authority certificate
- 47. Notice of suspension
- 48. Revocation of certificate
- 49. Revocation without subscriber's consent
- 50. Notice of revocation
- 51. Appointment of registration authority
- 52. Appeals under this Part

PART VI

DUTIES OF SUBSCRIBERS

- 53. Generating key pair
- 54. Obtaining certificate
- 55. Acceptance of certificate
- 56. Control of private key
- 57. Suspension or revocation of compromised certificate

PART VII

TIME-STAMPING SERVICE PROVIDERS

- 58. Timestamping service
- 59. Timestamping service provider
- 60. Requirements for timestamping service provider
- 61. Duties of timestamping service provider

PART VIII

CONSUMER PROTECTION

- 62. Scope of application
- 63. Information to be provided by supplier
- 64. Online market
- 65. Unsolicited goods, services or communications
- 66. Cooling-off period
- 67. Performance
- 68. Application of foreign law
- 69. Non-exclusion
- 70. Complaints to Authority
- 71. Directives, code of conduct and guidelines

PART IX

DOMAIN NAME REGULATION

- 72. Regulation of domain name
- 73. Licensing of registers and registries
- 74. Regulations regarding registrars, etc

PART X

LIMITATION OF LIABILITY OF SERVICE PROVIDER

- 75. Definition
- 76. No liability for mere conduit
- 77. Caching
- 78. Hyperlink provider
- 79. Hosting
- 80. Order by court to terminate illegal activity
- 81. Use of information location tools by service provider
- 82. Take-down notification
- 83. No general obligation on service provider to monitor unlawful activities
- 84. Savings

PART XI

ENCRYPTING COMMUNICATION

- 85. Use of encrypted communication
- 86. No limitation on encryption function
- 87. Prohibition of unauthorised decryption or release of decryption key
- 88. Prohibition of disclosure of record or other information by key holder
- 89. Obstruction of law enforcement officer
- 90. Prohibition of disclosure or use of stored recovery information
- 91. Immunity of recovery agents

PART XII

GENERAL PROVISIONS

- 92. Appeals
- 93. Register
- 94. Offence by body corporate or unincorporate body
- 95. General penalty
- 96. Evidence obtained by unlawful interception not admissible in criminal proceedings
- 97. Guidelines

- 98. Supervision of compliance with Act
- 99. Regulations
- 100. Extraterritorial application of offences
- 101. Act to bind Republic
- 102. Repeal of Act No. 21 of 2009