

THE ELECTRONIC TRANSACTIONS ACT

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THE ELECTRONIC TRANSACTIONS ACT

Act
15 of 2006.

[2nd April, 2007.]

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

PART I. *Preliminary*

2. In this Act—

Inter-
pretation.

“addressee” means a person who the originator of an electronic document intends to receive the document, but does not include a person acting as an intermediary with respect to that document;

“automated communications device” means a computer programme or an electronic or other automated device used to initiate or respond to electronic communications in whole or in part, without review or action by an individual;

“certificate” means any record that—

- (a) identifies the entity that issues it;
- (b) names or otherwise identifies the signatory or a device (including an automated communications device) under the control of the signatory;
- (c) specifies its operational period;
- (d) is digitally signed by the entity that issues it;
- (e) contains a public key that corresponds to a private key under the control of the originator of the electronic document to which the certificate relates; and
- (f) specifies any other matter required to be specified under regulations made pursuant to section 37;

“certification service provider” means a person who issues certificates for the purposes of electronic signatures

or provides to the public other services related to electronic signatures;

“Certifying Authority” means the Certifying Authority established under section 33;

“data” includes—

- (a) material in whatever form stored in an electronic communications system;
- (b) the whole or part of a computer programme; and
- (c) a representation suitable for processing in an electronic communications system;

“electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electro-magnetic or similar capabilities, and references to carrying out any act “electronically” shall be similarly construed;

“electronic communication system” means a system for creating, generating, sending, receiving, storing, displaying or otherwise processing electronic documents or data;

“electronic document” means information that is created, generated, communicated, stored, displayed or processed by electronic means;

“electronic signature” means information that—

- (a) is contained in, attached to or logically associated with, an electronic document; and
- (b) is used by a signatory to indicate his adoption of the content of that document,

but does not include any signature produced by a facsimile machine or by an electronic scanning device;

“encrypted signature” means an electronic signature that is encrypted by means of a private key or other encrypted signature creation device;

“encrypted signature creation device” means unique data, including codes or private cryptographic keys, or a uniquely configured physical device, used by a signatory in creating an encrypted signature;

“information” includes data, text, images, sounds, codes, computer programmes, software and databases;

“information technology requirements” includes software requirements;

“originator” in relation to an electronic document, means a person by whom, or on whose behalf, the document purports to have been sent or generated prior to storage, but does not include a person acting as an intermediary with respect to that document;

“signatory” means a person who by means of an encrypted signature creation device has (whether acting himself or through another person, or an automated communications device, acting on his behalf) affixed his encrypted signature to an electronic document;

“traffic data” means information about the communication of data using an electronic communications system, including the—

- (a) number and kind of communications;
- (b) origin of the communication;
- (c) destination of the communication;
- (d) time when the communication was sent; and
- (e) time when the communication was received.

3.—(1) The objects of this Act are to—

Objects.

- (a) facilitate electronic transactions by means of reliable electronic documents;
- (b) promote the development of the legal and business infrastructure necessary to implement secure electronic commerce;