

UNDANG-UNDANG MALAYSIA
Akta 680
AKTA AKTIVITI KERAJAAN ELEKTRONIK 2007

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UNDANG-UNDANG MALAYSIA

Akta 680

Suatu Akta bagi mengadakan peruntukan pengiktirafan undang-undang suatu mesej elektronik dalam urusan antara Kerajaan dengan orang awam, penggunaan mesej elektronik untuk memenuhi kehendak undang-undang dan untuk membolehkan dan memudahkan urusan itu melalui penggunaan cara elektronik dan perkara-perkara lain yang berkaitan dengannya.

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DIPERBUAT oleh Parlimen Malaysia seperti yang berikut:

BAHAGIAN I PERMULAAN

Tajuk ringkas dan permulaan kuat kuasa

1. (1) Akta ini bolehlah dinamakan Akta Aktiviti Kerajaan Elektronik 2007.

(2) Akta ini mula berkuat kuasa pada tarikh yang ditetapkan oleh Menteri melalui pemberitahuan dalam *Warta*.

Pemakaian

2. Tertakluk kepada seksyen 3, Akta ini hendaklah terpakai kepada undang-undang Persekutuan yang ditetapkan menurut seksyen 6.

Penggunaan tidak mandatori

3. (1) Tiada apa pun dalam Akta ini yang menjadikannya mandatori bagi seseorang untuk menggunakan, memberi atau menerima apa-apa mesej elektronik dalam urusan dengan Kerajaan melainkan jika orang itu mengizinkan penggunaan, pemberian atau penerimaan mesej elektronik itu.

(2) Keizinan seseorang untuk mengguna, memberi atau menerima apa-apa mesej elektronik dalam urusan dengan Kerajaan boleh disimpulkan daripada perlakuan orang itu.

Rujukan kepada undang-undang bertulis lain

4. Pemakaian Akta ini hendaklah sebagai tambahan dan tanpa menjejaskan mana-mana undang-undang bertulis lain yang mengawal selia urusan antara Kerajaan dengan orang awam.

Tafsiran

5. Dalam Akta ini, melainkan jika konteksnya menghendaki makna yang lain –

“Akta yang ditetapkan” ertinya suatu undang-undang bertulis atau sebahagian daripadanya yang ditetapkan oleh Menteri yang berkaitan di bawah seksyen 6;

“Arahan Teknologi Maklumat” ertinya arahan yang dikeluarkan di bawah seksyen 9;

“elektronik” ertinya teknologi yang menggunakan elektrik, optik, magnetik, elektromagnetik, biometrik, photonik atau teknologi yang seumpama;

“Menteri” ertinya Menteri yang dipertanggungjawabkan dengan tanggungjawab untuk menerajui perubahan bagi memodenkan pentadbiran perkhidmatan awam Malaysia;

“Menteri yang berkaitan” ertinya Menteri yang dipertanggungjawabkan dengan tanggungjawab bagi pentadbiran Akta yang ditetapkan;

“mesej elektronik” ertinya suatu maklumat yang dihasilkan, dihantar, diterima atau disimpan melalui suatu cara elektronik;

“pemula” ertinya seseorang yang melaluinya atau yang bagi pihaknya, suatu mesej elektronik dihasilkan atau dihantar;

“penerima” ertinya seseorang yang dimaksudkan oleh pemula untuk menerima suatu mesej elektronik;

“sistem memproses maklumat” ertinya suatu sistem elektronik untuk menghasilkan, menghantar, menerima, menyimpan atau memproses mesej elektronik;

“tanda tangan elektronik” ertinya apa-apa huruf, aksara, nombor, bunyi atau apa-apa simbol lain atau apa-apa gabungannya yang dicipta dalam suatu bentuk elektronik yang diterima pakai oleh seseorang sebagai tanda tangan.

BAHAGIAN II

PENTADBIRAN DAN PEMAKAIAN AKTA KEPADA UNDANG-UNDANG BERTULIS

Penetapan oleh Menteri yang berkaitan

6. (1) Menteri yang berkaitan boleh, selepas berunding dengan Menteri, menetapkan dalam Borang 1 Jadual, mana-mana undang-undang bertulis atau sebahagian daripadanya bagi maksud pemakaian Akta ini.

(2) Menteri yang berkaitan, dalam menetapkan mana-mana undang-undang bertulis atau sebahagian daripadanya di bawah subseksyen (1), boleh mengenakan apa-apa syarat sebagaimana yang dia sifatkan patut.

Perundangan subsidiari

7. (1) Akta ini hendaklah dianggap terpakai bagi mana-mana perundangan subsidiari kepada suatu Akta yang ditetapkan melainkan ia dikecualikan mengikut tatacara yang ditetapkan.

(2) Menteri yang berkaitan boleh, melalui pemberitahuan dalam Borang 2 Jadual, selepas berunding dengan Menteri, mengecualikan mana-mana perundangan subsidiari kepada suatu Akta yang ditetapkan daripada pemakaian Akta ini.

(3) Menteri yang berkaitan boleh, melalui pemberitahuan dalam Borang 3 Jadual, selepas berunding dengan Menteri, memasukkan mana-mana perundangan subsidiari yang telah dikecualikan di bawah subseksyen (2), bagi maksud pemakaian Akta ini.

Pemansuhan atau pindaan

8. (1) Jika Akta yang ditetapkan dimansuhkan, Akta yang dimansuhkan itu hendaklah tidak lagi menjadi Akta yang ditetapkan mulai dari tarikh berkuat kuasanya pemansuhan itu melainkan bagi perundangan subsidiari yang tidak terjejas dengan pemansuhan Akta yang ditetapkan itu.

(2) Jika Akta yang ditetapkan dipinda dan Menteri yang berkaitan berpuas hati bahawa Akta yang dipinda tidak selaras dengan dasar atau objektif Akta ini, Menteri yang berkaitan boleh, dalam Borang 4 Jadual, mengecualikan Akta yang dipinda atau sebahagiannya daripada pemakaian Akta ini.

Arahan Teknologi Maklumat

9. (1) Menteri boleh mengeluarkan Arahan Teknologi Maklumat yang bolehlah termasuk –

- (a) standard teknologi maklumat;
- (b) kriteria bagi tandatangan elektronik dan meterai yang sesuai bagi maksud ia digunakan;
- (c) proses bagi merakamkan masa dan pengakuteraan mesej elektronik;
- (d) langkah-langkah keselamatan terhadap apa-apa capaian yang tidak dibenarkan;
- (e) tatacara pemulihan bencana;

- (f) kaedah-kaedah capaian bagi borang dan perkhidmatan Kerajaan elektronik;
- (g) pengurusan dan penyenggaraan mesej elektronik;
- (h) cara kemasukan data dan pengesahan mesej elektronik;
- (i) garis panduan bagi pembayaran dan penerimaan wang; dan
- (j) perkara-perkara lain yang dikehendaki dari semasa ke semasa.

(2) Ketidapatuhan kepada mana-mana Arahan Teknologi Maklumat tidak akan menjejaskan kesahan atau kebolehlaksanaan apa-apa aktiviti yang dijalankan secara elektronik menurut Akta ini.

BAHAGIAN III PENGIKTIRAFAN UNDANG-UNDANG MESEJ ELEKTRONIK

Pengiktirafan undang-undang mesej elektronik

10. (1) Apa-apa maklumat tidak boleh dinafikan kesan undang-undang, kesahan atau kebolehlaksanaan atas alasan bahawa ia adalah secara keseluruhan atau sebahagian dalam suatu bentuk elektronik.

(2) Apa-apa maklumat tidak boleh dinafikan kesan undang-undang, kesahan atau kebolehlaksanaan atas alasan bahawa maklumat itu tidak terkandung dalam mesej elektronik yang membangkitkan kesan undang-undang itu, tetapi hanya dirujuk dalam mesej elektronik itu, dengan syarat bahawa maklumat yang dirujuk itu boleh dicapai oleh orang yang terhadapnya maklumat yang dirujuk itu mungkin digunakan.

Pembentukan dan kesahan kontrak

11. (1) Dalam pembentukan suatu kontrak, komunikasi tawaran, penerimaan tawaran, dan pembatalan tawaran dan penerimaan atau apa-apa komunikasi yang berkaitan boleh dinyatakan melalui suatu mesej elektronik.

(2) Suatu kontrak tidak boleh dinafikan kesan undang-undang, kesahan atau kebolehlaksanaan atas alasan bahawa suatu mesej elektronik digunakan dalam pembentukannya.

BAHAGIAN IV

MEMENUHI KEHENDAK UNDANG-UNDANG MELALUI CARA ELEKTRONIK

Tulisan

12. Jika mana-mana undang-undang menghendaki maklumat secara bertulis, kehendak undang-undang itu dipenuhi jika maklumat itu terkandung dalam suatu mesej elektronik yang boleh dicapai dan boleh difahami bagi membolehkannya digunakan untuk rujukan yang berikutnya.

Tandatangan

13. (1) Jika mana-mana undang-undang menghendaki tandatangan seseorang di atas suatu dokumen, kehendak undang-undang itu dipenuhi, jika dokumen itu adalah dalam bentuk suatu mesej elektronik, oleh suatu tandatangan elektronik yang –

- (a) dilampirkan kepada atau dikaitkan secara logik dengan mesej elektronik itu;

- (b) mengenal pasti secukupnya orang itu dan menunjukkan secukupnya kelulusan orang itu terhadap maklumat yang berhubungan dengan tandatangan itu; dan
- (c) adalah boleh dipercayai sewajarnya memandangkan maksud bagi, dan hal keadaan yang tandatangan itu dikehendaki.

(2) Bagi maksud perenggan (1)(c), suatu tandatangan elektronik adalah sewajarnya boleh dipercayai jika –

- (a) cara menghasilkan tandatangan elektronik itu dikaitkan dengan dan di bawah kawalan orang itu sahaja;
- (b) apa-apa perubahan yang dibuat kepada tandatangan elektronik itu selepas masa penandatanganan itu boleh dikesan; dan
- (c) apa-apa perubahan yang dibuat kepada dokumen itu selepas masa penandatanganan itu boleh dikesan.

(3) Akta Tandatangan Digital 1997 [*Akta 562*] hendaklah terus terpakai bagi apa-apa tandatangan digital yang digunakan sebagai suatu tandatangan elektronik dalam apa-apa aktiviti Kerajaan.

Meterai

14. (1) Jika mana-mana undang-undang menghendaki meterai dicapkan pada suatu dokumen, kehendak undang-undang itu dipenuhi, jika dokumen itu adalah dalam bentuk suatu mesej elektronik, oleh suatu tandatangan digital sebagaimana yang diperuntukkan di bawah Akta Tandatangan Digital 1997.

(2) Walau apa pun subseksyen (1), Menteri boleh, melalui perintah dalam *Warta*, menetapkan apa-apa tandatangan elektronik lain yang memenuhi kehendak mengecapkan suatu meterai dalam suatu mesej elektronik.

Saksi

15. Jika mana-mana undang-undang menghendaki tandatangan seorang saksi pada suatu dokumen, kehendak undang-undang itu dipenuhi, jika dokumen itu adalah dalam bentuk suatu mesej elektronik, oleh suatu tandatangan elektronik saksi itu yang mematuhi kehendak seksyen 13.

Asal

16. (1) Jika mana-mana undang-undang menghendaki mana-mana dokumen dalam bentuk asalnya, kehendak undang-undang itu dipenuhi oleh suatu dokumen dalam bentuk suatu mesej elektronik jika –

(a) wujud suatu jaminan yang boleh dipercayai mengenai integriti maklumat yang terkandung dalam mesej elektronik itu daripada masa ia mula-mula dihasilkan dalam bentuknya yang muktamad; dan

(b) mesej elektronik itu boleh dicapai dan boleh difahami bagi membolehkannya digunakan untuk rujukan yang berikutnya.

(2) Bagi maksud perenggan (1)(a) –

(a) kriteria bagi menilai integriti maklumat itu hendaklah sama ada maklumat itu kekal lengkap dan tidak diubah, selain penambahan apa-apa pengendorsan atau apa-apa perubahan yang timbul dalam perjalanan biasa komunikasi, penyimpanan dan paparan; dan

- (b) standard kebolehpercayaan yang dikehendaki hendaklah dinilai berdasarkan kepada maksud dokumen itu dihasilkan dan berdasarkan kepada semua hal keadaan lain yang berkaitan.

Salinan diakui sah

17. Jika mana-mana undang-undang menghendaki pengemukaan salinan dokumen diakui sah, kehendak undang-undang itu dipenuhi, jika dokumen itu dikemukakan dalam bentuk suatu mesej elektronik dan memenuhi kehendak di bawah seksyen 16.

Salinan

18. Jika mana-mana undang-undang menghendaki apa-apa dokumen disimpan, disampaikan, dihantar atau diserahkan dalam lebih daripada satu salinan, kehendak undang-undang itu dipenuhi, jika dokumen itu adalah dalam bentuk suatu mesej elektronik, dengan penyimpanan, penyampaian, penghantaran atau penyerahan dokumen itu dalam satu salinan.

Pengemukaan dokumen

19. (1) Jika mana-mana undang-undang menghendaki pemfailan atau pengemukaan apa-apa dokumen, kehendak undang-undang itu dipenuhi, jika dokumen itu difailkan atau dikemukakan dalam bentuk suatu mesej elektronik, jika mesej elektronik itu boleh dicapai dan boleh difahami bagi membolehkannya digunakan untuk rujukan yang berikutnya.

(2) Bagi maksud subseksyen (1), jika apa-apa bentuk yang ditetapkan ditentukan secara elektronik, pemfailan atau pengemukaan dokumen itu hendaklah menurut bentuk yang ditentukan itu.

Bentuk yang ditetapkan

20. Jika mana-mana undang-undang menghendaki apa-apa dokumen dalam suatu bentuk yang ditetapkan, kehendak undang-undang itu dipenuhi oleh suatu dokumen dalam bentuk suatu mesej elektronik jika mesej elektronik itu –

- (a) diformat mengikut cara yang sama atau sebahagian besarnya sama dengan bentuk yang ditetapkan;
- (b) boleh dicapai dan boleh difahami bagi membolehkannya digunakan untuk rujukan yang berikutnya; dan
- (c) berupaya disimpan oleh orang yang satu lagi.

Kehendak untuk mengeluarkan lesen, permit, kelulusan, kebenaran, dsb.

21. Jika mana-mana undang-undang bertulis menghendaki pengeluaran apa-apa lesen, permit, kelulusan, kebenaran atau dokumen yang serupa, kehendak undang-undang itu dipenuhi jika lesen, permit, kelulusan, kebenaran atau dokumen yang serupa itu dikeluarkan dalam bentuk suatu mesej elektronik dengan syarat bahawa mesej elektronik itu boleh dicapai dan boleh difahami bagi membolehkannya digunakan untuk rujukan yang berikutnya.

Penyimpanan dokumen

22. Jika mana-mana undang-undang bertulis menghendaki mana-mana dokumen disimpan, kehendak undang-undang itu dipenuhi dengan penyimpanan dokumen itu dalam bentuk suatu mesej elektronik jika mesej elektronik itu –

- (a) disimpan dalam format yang ia dihasilkan, dihantar atau diterima, atau dalam suatu format yang tidak mengubah secara material maklumat yang

LAWS OF MALAYSIA

Act 680

ELECTRONIC GOVERNMENT ACTIVITIES ACT 2007

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LAWS OF MALAYSIA

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ELECTRONIC GOVERNMENT ACTIVITIES ACT 2007

An Act to provide for legal recognition of electronic messages in dealings between the Government and the public, the use of the electronic messages to fulfill legal requirements and to enable and facilitate the dealings through the use of electronic means and other matters connected therewith.

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ENACTED by the Parliament of Malaysia as follows:

**PART I
PRELIMINARY**

Short title and commencement

1. (1) This Act may be cited as the Electronic Government Activities Act 2007.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

Application

2. Subject to section 3, this Act shall apply to Federal laws which are designated in accordance with section 6.

Use not mandatory

3. (1) Nothing in this Act shall make it mandatory for a person to use, provide or accept any electronic message in dealings with the Government unless the person consents to the using, providing or accepting of the electronic message.

(2) A person's consent to use, provide or accept any electronic message in dealings with the Government may be inferred from the person's conduct.

Reference to other written laws

4. The application of this Act shall be supplemental and without prejudice to any other written laws regulating the dealings between the Government and the public.

Interpretation

5. In this Act, unless the context otherwise requires —

“designated Act” means a written law or part of it which is designated by the relevant Minister under section 6;

“Information Technology Instructions” means the instructions issued under section 9;

“electronic” means the technology of utilizing electrical, optical, magnetic, electromagnetic, biometric, photonic or other similar technology;

“Minister” means the Minister charged with the responsibility for leading the changes in modernizing the Malaysian public service administration;

“relevant Minister” means the Minister charged with the responsibility for the administration of the designated Act;

“electronic message” means an information generated, sent, received or stored by an electronic means;

“originator” means a person by whom or on whose behalf, the electronic message is generated or sent;

“addressee” means a person who is intended by the originator to receive the electronic message;

“information processing system” means an electronic system for generating, sending, receiving, storing or processing the electronic message;

“electronic signature” means any letter, character, number, sound or any other symbol or any combination thereof created in an electronic form adopted by a person as a signature.

PART II

ADMINISTRATION AND APPLICATION OF ACT TO WRITTEN LAW

Designation by relevant Minister

6. (1) The relevant Minister may, after consultation with the Minister, designate in Form 1 of the Schedule, any written law or part of it for the purpose of the application of this Act.

(2) The relevant Minister, in designating any written law or part of it under subsection (1), may impose any conditions as he deems fit.

Subsidiary legislation

7. (1) This Act shall be deemed to apply to any subsidiary legislation of a designated Act unless excluded in accordance with subsection (2).

(2) The relevant Minister may, by notification in Form 2 of the Schedule, after consultation with the Minister, exclude any subsidiary legislation of a designated Act from the application of this Act.

(3) The relevant Minister may, by notification in Form 3 of the Schedule, after consultation with the Minister, include any subsidiary legislation which has been excluded under subsection (2), for the purpose of the application of this Act.

Repeal or amendment

8. (1) Where a designated Act is repealed, such repealed Act shall no longer be the designated Act from the effective date of its repeal save for the subsidiary legislation unaffected by the repeal of the designated Act.

(2) Where a designated Act is amended and the relevant Minister is satisfied that the amended Act is inconsistent with the policy or objectives of this Act, the relevant Minister may, in Form 4 of the Schedule, exclude the amended Act or part thereof from the application of this Act.

Information Technology Instructions

9. (1) The Minister may issue Information Technology Instructions which may include –

(a) information technology standards;

- (b) the criteria for the electronic signature and appropriate seal for the purpose for which they are used;
- (c) the process of recording the time and acknowledgment of receipt of the electronic message;
- (d) security measures against any unauthorized access;
- (e) disaster recovery procedures;
- (f) accessibility rules for electronic government services and forms;
- (g) management and maintenance of the electronic message;
- (h) methods relating to data entry and verification of the electronic message;
- (i) guidelines for the payment and receipt of money; and
- (j) any other matters as may be required from time to time.

(2) Non-compliance with any of the Information Technology Instructions shall not affect the validity or enforceability of the activities, which are undertaken electronically pursuant to this Act.

PART III

LEGAL RECOGNITION OF ELECTRONIC MESSAGE

Legal recognition of electronic message

10. (1) Any information shall not be denied legal effect, validity or enforceability on the ground that it is wholly or partly in an electronic form.

(2) Any information shall not be denied legal effect, validity or enforceability on the ground that the information is not contained in the electronic message that gives rise to such legal effect, but is merely referred to in that electronic message, provided that the information being referred to is accessible to the person against whom the referred information might be used.

Formation and validity of contract

11. (1) In the formation of a contract, the communication of proposals, acceptance of proposals, and revocations of proposals and acceptances or any related communication may be expressed by an electronic message.

(2) A contract shall not be denied legal effect, validity or enforceability on the ground that an electronic message is used in its formation.

PART IV

FULFILMENT OF LEGAL REQUIREMENTS BY ELECTRONIC MEANS

Writing

12. Where any law requires information to be in writing, the requirement of the law is fulfilled if the information is contained in an electronic message that is accessible and intelligible so as to be usable for subsequent reference.

Signature

13. (1) Where any law requires a signature of a person on a document, the requirement of the law is fulfilled, if the document is in the form of an electronic message, by an electronic signature which –

- (a) is attached to or is logically associated with the electronic message;

- (b) adequately identifies the person and adequately indicates the person's approval of the information to which the signature relates; and
- (c) is as reliable as is appropriate given the purpose for which, and the circumstances in which, the signature is required.

(2) For the purposes of paragraph (1)(c), an electronic signature is as reliable as is appropriate if –

- (a) the means of creating the electronic signature is linked to and under the control of that person only;
- (b) any alteration made to the electronic signature after the time of signing is detectable; and
- (c) any alteration made to that document after the time of signing is detectable.

(3) The Digital Signature Act 1997 [Act 562] shall continue to apply to any digital signature used as an electronic signature in any Government activities.

Seal

14. (1) Where any law requires a seal to be affixed to a document, the requirement of the law is fulfilled, if the document is in the form of an electronic message, by a digital signature as provided under the Digital Signature Act 1997.

(2) Notwithstanding subsection (1), the Minister may, by order in the *Gazette*, prescribe any other electronic signature that fulfills the requirement of affixing a seal in an electronic message.

Witness

15. Where any law requires the signature of a witness on a document, the requirement of the law is fulfilled, if the document is in the form of an electronic message, by an electronic signature of the witness which complies with the requirement of section 13.

Original

16. (1) Where any law requires any document to be in its original form, the requirement of the law is fulfilled by a document in the form of an electronic message if –

- (a) there exists a reliable assurance as to the integrity of the information contained in the electronic message from the time it is first generated in its final form; and
 - (b) the electronic message is accessible and intelligible so as to be usable for subsequent reference.
- (2) For the purposes of subparagraph (1)(a) –
- (a) the criteria for assessing the integrity of the information shall be whether the information has remained complete and unaltered, apart from the addition of any endorsement or any change which arises in the normal course of communication, storage and display; and
 - (b) the standard of reliability required shall be assessed in the light of the purpose for which the document was generated and in the light of all other relevant circumstances.

Certified true copy

17. Where any law requires submission of a certified true copy of a document, the requirement of the law is fulfilled if the document is submitted in the form of an electronic message and fulfills the requirement under section 16.

Copy

18. Where any law requires any document to be retained, served, sent or delivered in more than one copy, the requirement of the law is fulfilled, if the document is in the form of an electronic message, by retention, service, sending or delivery of the document in one copy.

Submission of a document

19. (1) Where any law requires the filing or submission of any document, the requirement of the law is fulfilled, if the document is filed or submitted in the form of an electronic message, if the electronic message is accessible and intelligible so as to be usable for subsequent reference.

(2) For the purposes of subsection (1), where any prescribed form is specified by an electronic means, the filing or submission of such document shall be in accordance with such specified form.

Prescribed form

20. Where any law requires any document to be in a prescribed form, the requirement of the law is fulfilled by a document in the form of an electronic message if the electronic message is –

- (a) formatted in the same or substantially the same way as the prescribed form;
- (b) accessible and intelligible so as to be usable for subsequent reference; and
- (c) capable of being retained by the other person.

Requirement to issue licence, permit, approval, authorization, etc.

21. Where any law requires the issuance of any licence, permit, approval, authorization or similar document, the requirement of the law is fulfilled if the licence, permit, approval, authorization or similar document is issued in the form of an electronic message provided that the electronic message is accessible and intelligible so as to be usable for subsequent reference.

Retention of document

22. Where any law requires any document to be retained, the requirement of the law is fulfilled by retaining the document in the form of an electronic message if the electronic message –

- (a) is retained in the format in which it was generated, sent or received, or in a format that does not materially change the information contained in the electronic message that was originally generated, sent or received;
- (b) is accessible and intelligible so as to be usable for subsequent reference; and
- (c) identifies the origin and destination of the electronic message and the date and time it was sent or received.

Electronic register

23. (1) Where any law requires a register to be established, operated and maintained, the requirement of the law is fulfilled if the register is in the form of an electronic message and its contents cannot be altered by any means by any person administering the register who has the power by law to alter the register.

(2) Any search made on a register established, operated and maintained by an electronic message shall have the same legal validity as the register referred to in a designated Act.

Service and delivery

24. (1) Where any law requires any document to be served, sent or delivered, the requirement of the law is fulfilled by the service, sending or delivery of the document by an electronic means if an information processing system is in place –

(a) to identify the origin, destination, time and date of service, sending or delivery; and

(b) for the acknowledgement of receipt,

of the document.

(2) This section does not apply to –

(a) any notice of default, notice of demand, notice to show cause, notice of repossession or any similar notices which are required to be served prior to commencing a legal proceeding; and

- (b) any originating process, pleading, affidavit or other documents which are required to be served pursuant to a legal proceeding.

Personal service

25. Where any law requires a document to be submitted or delivered personally, the requirement of the law is fulfilled if the document is submitted in accordance with section 19 accompanied with an electronic signature.

Payment

26. Where any law requires any payment to be made, the requirement of the law is fulfilled if the payment is made by an electronic means and complies with any conditions imposed by the Government.

Receipt

27. Where any law requires the issuance of any receipt of payment, the requirement of the law is fulfilled if the receipt is in the form of an electronic message and the electronic message is accessible and intelligible so as to be usable for subsequent reference.

PART V

COMMUNICATION OF ELECTRONIC MESSAGE

Attribution of electronic message

28. (1) An electronic message is that of the originator if it is sent by the originator himself.

(2) As between the originator and the addressee, an electronic message is deemed to be that of the originator if it is sent by –

- (a) a person who has the authority to act on behalf of the originator in respect of that electronic message; or
- (b) an information processing system programmed by, or on behalf of, the originator to operate automatically.

(3) As between the originator and the addressee, an addressee is entitled to regard an electronic message as being that of the originator, and to act on that presumption, if –

- (a) the addressee properly applies an authentication method agreed between the originator and the addressee for ascertaining whether the electronic message was that of the originator; or
- (b) the electronic message as received by the addressee resulted from the actions of a person whose relationship with the originator or any agent of the originator enabled that person to gain access to an authentication method used by the originator to identify electronic message as its own.

(4) Subsection (3) does not apply if –

- (a) the addressee has received a notice from the originator that the electronic message is not that of the originator and has reasonable time to act accordingly; or
- (b) the addressee knew or should have known that the electronic message was not that of the originator had he exercised reasonable care or used any authentication method agreed between the originator and the addressee.

Contents of electronic message

29. Where an addressee receives an electronic message, the addressee is entitled to regard the electronic message as being what the originator intended to send, and to act on that presumption, unless the addressee knew or should have known, had he exercised reasonable care or used any agreed procedure, that the transmission resulted in any error in the electronic message as received.

Each electronic message to be regarded separately

30. Where an addressee receives an electronic message, the addressee is entitled to regard each electronic message received as a separate electronic message and to act on that presumption, unless the addressee knew or should have known, had he exercised reasonable care or used any agreed procedure, that the electronic message was a duplicate.

Time of dispatch

31. Unless otherwise agreed between the originator and the addressee, an electronic message is deemed sent when it enters an information processing system outside the control of the originator.

Time of receipt

32. Unless otherwise agreed between the originator and the addressee, an electronic message is deemed received –

- (a) where the addressee has designated an information processing system for the purpose of receiving electronic messages, when the electronic message enters the designated information processing system; or

- (b) where the addressee has not designated an information processing system for the purpose of receiving electronic messages, when the electronic message comes to the knowledge of the addressee.

Place of dispatch

33. Unless otherwise agreed between the originator and the addressee, an electronic message is deemed sent from the originator's place of dealing, and –

- (a) where the originator has more than one place of dealings, from the place of dealing that has the closest relationship with the dealing or where there is no place of dealing that has the closest relationship with the dealing, from the originator's principal place of dealing; or
- (b) where the originator does not have a place of dealing, from the originator's ordinary place of residence.

Place of receipt

34. Unless otherwise agreed between the originator and the addressee, an electronic message is deemed received at the addressee's place of dealing, and –

- (a) where the addressee has more than one place of dealings, at the place of dealing that has the closest relationship with the dealing or where there is no place of dealing that has the closest relationship with the dealing, at the addressee's principal place of dealing; or
- (b) where the addressee does not have a place of dealing, at the addressee's ordinary place of residence.

Acknowledgement of receipt

35. (1) This section applies where, on or before sending an electronic message, or in the electronic message, the originator has requested or agreed with the addressee that receipt of the electronic message is to be acknowledged.

(2) Where the originator has requested or agreed with the addressee that receipt of the electronic message is to be acknowledged, the electronic message is treated as though it has never been sent until the acknowledgement is received.

(3) Where the originator has not agreed with the addressee that the acknowledgement be given in a particular form or by a particular method, an acknowledgement may be given by –

- (a) any communication by the addressee, automated or otherwise; or
- (b) any conduct of the addressee sufficient to indicate to the originator that the electronic message has been received.

(4) Where the acknowledgement has not been received by the originator within the time specified or agreed or, if no time has been specified or agreed, within a reasonable time, the originator may –

- (a) give notice to the addressee stating that no acknowledgement has been received and specifying a reasonable time by which the acknowledgement must be received; and
- (b) if the acknowledgement is not received within the time specified in paragraph (a), give notice to the addressee to

treat the electronic message as though it had never been sent and exercise any other rights he may have.

(5) Where the originator receives the addressee's acknowledgement of receipt, it is presumed that the addressee received the related electronic message.

(6) Where the received acknowledgement states that the related electronic message fulfills technical requirements, either agreed upon or set forth in applicable standards, it is presumed that those requirements have been fulfilled.

PART VI MISCELLANEOUS

Regulations

36. The Minister may make such regulations as may be necessary or expedient for giving full effect to the provisions of this Act.

SCHEDULE

FORM 1

[Section 6]

ELECTRONIC GOVERNMENT ACTIVITIES ACT 2006

NOTIFICATION OF DESIGNATED ACT

IN exercise of the powers conferred by section 6 of the Electronic Government Activities Act 2006 [Act], I

[*name of the relevant Minister*]

Minister of, after consultation with the Minister, designate –

.....

[*name of the Act or part of it*]

as a designated Act under the Electronic Government Activities Act 2006.

2. The Electronic Government Activities Act 2006 shall apply to the provisions of the Act and the subsidiary legislation made under the Act subject to the following:

.....
.....
.....

3. This Notification comes into operation on..... [*specify the date*].

Dated

[*Name of the relevant Minister*]
Minister of [*specify the Ministry*]

FORM 2

[Subsection 7(2)]

ELECTRONIC GOVERNMENT ACTIVITIES ACT 2006

NOTIFICATION OF EXCLUSION OF SUBSIDIARY LEGISLATION
FROM THE ACT

IN exercise of the powers conferred by subsection 7(2) of the Electronic Government Activities Act 2006 [Act], I
....., Minister of
[name of the relevant Minister]
....., after consultation with the Minister,
exclude –

.....
[name of the subsidiary legislation]

made under

.....
[name of the designated Act]

from the application of the Electronic Government Activities Act 2006.

2. This Notification comes into operation on..... [specify the date].

Dated

[Name of the relevant Minister]
Minister of [specify the Ministry]

FORM 3

[Subsection 7(3)]

ELECTRONIC GOVERNMENT ACTIVITIES ACT 2006

NOTIFICATION OF INCLUSION OF SUBSIDIARY LEGISLATION
FOR THE APPLICATION OF THE ACT

IN exercise of the powers conferred by subsection 7(3) of the Electronic Government Activities Act 2006 [Act], I,
[name of the relevant Minister]
Minister of, after consultation with the Minister,
include –

.....
[name of the subsidiary legislation]

made under
.....
[name of the designated Act]

for the purpose of the application of the Electronic Government Activities Act 2006.

2. This Notification comes into operation on..... [specify the date].

Dated

[Name of the relevant Minister]
Minister of [specify the Ministry]

FORM 4

[Subsection 8(2)]

ELECTRONIC GOVERNMENT ACTIVITIES ACT 2006

NOTIFICATION OF EXCLUSION OF AMENDED ACT FROM THE ACT

IN exercise of the powers conferred by subsection 8(2) of the Electronic Government Activities Act 2006 [Act], I
....., Minister of
[name of the relevant Minister]

....., exclude –

- (a) the whole of (name of the amended Act); or
- (b) part of (name of the amended Act), as follows:
 - (i)
 - (ii); and
 - (iii), (please specify)

from the application of the Electronic Government Activities Act 2006.

2. This Notification comes into operation on
..... [specify the date].

Dated

[Name of the relevant Minister]
Minister of [specify the Ministry]