

Electronic Transactions Act, No. 19 of 2006

[Certified on 19th May, 2006]

LD.—O. 8/2004.

AN ACT TO RECOGNIZE AND FACILITATE THE FORMATION OF CONTRACTS, THE CREATION AND EXCHANGE OF DATA MESSAGES, ELECTRONIC DOCUMENTS, ELECTRONIC RECORDS AND OTHER COMMUNICATIONS IN ELECTRONIC FORM IN SRI LANKA ; AND TO PROVIDE FOR THE APPOINTMENT OF A CERTIFICATION AUTHORITY AND ACCREDITATION OF CERTIFICATION SERVICE PROVIDERS ; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :-

1. (1) This Act may be cited as the Electronic Transactions Act, No. 19 of 2006.

Short title and date of operation.

(2) The provisions of subsection (1) of this section shall come into operation on the date on which this Act is Certified as an Act of Parliament and the other provisions shall come into operation on such date as the Minister may appoint, by Order published in the *Gazette* (hereinafter referred to as the “appointed date”).

CHAPTER I

GENERAL PROVISIONS

2. The objectives of the Act shall be—

Objectives of the Act.

- (a) to facilitate domestic and international electronic commerce by eliminating legal barriers and establishing legal certainty ;
- (b) to encourage the use of reliable forms of electronic commerce ;
- (c) to facilitate electronic filling of documents with Government and to promote efficient delivery of Government services by means of reliable forms of electronic communications ; and
- (d) to promote public confidence in the authenticity, integrity and reliability of data messages, electronic documents, electronic records or other communications.

CHAPTER II

RECOGNITION DATA MESSAGES AND OTHER COMMUNICATIONS IN ELECTRONIC FORM

Legal
recognition of
electronic
records.

3. No data message, electronic document, electronic record or other communication shall be denied legal recognition, effect, validity or enforceability on the ground that it is in electronic form.

Requirement for
writing.

4. Notwithstanding the fact that the provisions of written laws for the time being in force in Sri Lanka attach legal validity to certain instruments, only if such instruments have been reduced to writing, such requirement shall be deemed to be satisfied by a data message, electronic document, electronic record or other communication in electronic form if the information contained therein is accessible so as to be usable for subsequent reference.

Requirements
for original
form.

5. (1) Where the law requires information to be presented or retained in its original form, that requirement shall be deemed to be satisfied by a data message, electronic document, electronic record or other communication in electronic form if there exists a reliable assurance as to the integrity of the information from the time when it was made available in electronic form and the information contained in the data message, electronic document, electronic record or other communication is available and can be used for subsequent reference.

(2) For the purposes of subsection (1)—

- (a) the criterion for assessing the integrity of information, is whether such 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 or display ; and
- (b) the standard for reliability of the assurance shall be assessed having regard to the purpose for which the information was generated and all other relevant circumstances.