

# **The Electronic Transactions Act, s 27, s 28, s 39, s 47, s 48**

## **Trustworthy system**

**27.** A certification authority must utilise trustworthy systems in performing its services.

## **Disclosure**

**28.** —(1) A certification authority shall disclose —

- (a) its certificate that contains the public key corresponding to the private key used by that certification authority to digitally sign another certificate (referred to in this section as a certification authority certificate);
- (b) any relevant certification practice statement;
- (c) notice of the revocation or suspension of its certification authority certificate; and
- (d) any other fact that materially and adversely affects either the reliability of a certificate that the authority has issued or the authority's ability to perform its services.

(2) In the event of an occurrence that materially and adversely affects a certification authority's trustworthy system or its certification authority certificate, the certification authority shall —

- (a) use reasonable efforts to notify any person who is known to be or foreseeably will be affected by that occurrence; or
- (b) act in accordance with procedures governing such an occurrence specified in its certification practice statement.

## **Control of private key**

**39.** —(1) By accepting a certificate issued by a certification authority, the subscriber identified in the certificate assumes a duty to exercise reasonable care to retain control of the private key corresponding to the public key listed in such certificate and prevent its disclosure to a person not authorised to create the subscriber's digital signature.

(2) Such duty shall continue during the operational period of the certificate and during any period of suspension of the certificate.

## **Acceptance of electronic filing and issue of documents**

**47.** —(1) Any department or ministry of the Government, organ of State or statutory corporation that, pursuant to any written law —

- (a) accepts the filing of documents, or requires that documents be created or retained;
- (b) issues any permit, licence or approval; or
- (c) provides for the method and manner of payment,

may, notwithstanding anything to the contrary in such written law —

- ((i)) accept the filing of such documents, or the creation or retention of such documents in the form of electronic records;
- ((ii)) issue such permit, licence or approval in the form of electronic records; or
- ((iii)) make such payment in electronic form.

(2) In any case where a department or ministry of the Government, organ of State or statutory corporation

decides to perform any of the functions in subsection (1) (i), (ii) or (iii), such agency may specify —

- (a) the manner and format in which such electronic records shall be filed, created, retained or issued;
- (b) where such electronic records have to be signed, the type of electronic signature required (including, if applicable, a requirement that the sender use a digital signature or other secure electronic signature);
- (c) the manner and format in which such signature shall be affixed to the electronic record, and the identity of or criteria that shall be met by any certification authority used by the person filing the document;
- (d) control processes and procedures as appropriate to ensure adequate integrity, security and confidentiality of electronic records or payments; and
- (e) any other required attributes for electronic records or payments that are currently specified for corresponding paper documents.

(3) Nothing in this Act shall by itself compel any department or ministry of the Government, organ of State or statutory corporation to accept or issue any document in the form of electronic records.

#### **Obligation of confidentiality**

**48.** —(1) Except for the purposes of this Act or for any prosecution for an offence under any written law or pursuant to an order of court, no person who has, pursuant to any powers conferred under this Part, obtained access to any electronic record, book, register, correspondence, information, document or other material shall disclose such electronic record, book, register, correspondence, information, document or other material to any other person.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.