



# Electronic Evidence Act, 2021

## All You Need to Know

*“Creating a safe and effective digital environment for ALL”*

### The Law

Gazetted on October 9, 2021, the Electronic Evidence Act, 2021, serves to repeal the Electronic Evidence Act of 2011. It has been drafted to better position Belize to facilitate, utilize, and regulate the use of electronic evidence. This is particularly relevant and necessary, given the advancements in technology globally.

The final draft which was passed into law is a result of a partnership between the E-Governance and Digitalization Unit under the Ministry of Youth, Sports and E-Governance, the Economic Development Council and the Compete Caribbean Partnership Facility jointly funded by the Inter-American Development Bank (IDB), the United Kingdom’s Foreign, Commonwealth & Development Office (FCDO), the Caribbean Development Bank (CDB) and the Government of Canada.

### Why the Need for the Updated Law?

Litigants and prosecutors need the best and most probative evidence to support their legal positions. In many instances, the best evidence may be electronic evidence. Electronic evidence is another form of evidence, which may be used as a complement to paper documents, photographs, magnetic recordings and other physical evidence. Alternatively, electronic evidence may be the most appropriate and available form of evidence for certain proceedings. For many types of criminal activity (e.g., cyberattacks and other forms of cybercrimes) the only evidence to be made available will be electronic, especially if the defendants are located outside the country.

### What is Electronic Evidence?

Electronic evidence includes emails, server logs, documents on a personal computer, laptop, smartphone or any other electronic device, instant messages, websites, locational evidence, and voice mail messages. Such evidence can be stored on computers, phones, servers, routers, digital directories and server farms among other places. Digital devices serve as large repositories of data, including personal information, which can serve as digital evidence.

### Key Definitions

*Electronic Communication* – information which is communicated, processed, recorded, displayed, created, stored, generated, received or transmitted by electronic means.

*Electronic record* – a record generated, communicated, received or stores by electronic means in an information system or for transmission from one information system to the other.



# Electronic Evidence Act, 2021

## All You Need to Know

*Information* – data, text, images, sound, codes, telephone communications, computer programs, software and databases

*Information system* – a system for generating, sending, receiving, storing or otherwise processing electronic records

### Provisions Under the Law

The Act allows for the admissibility of electronic evidence in criminal proceedings. There will be nothing in the rules of evidence which will allow electronic evidence to be inadmissible solely on the ground that it is electronic evidence.

The Court will presume, in the case where a device or process ordinarily produces or accurately communicates an electronic record, that the evidence on any one occasion presented via such device or process will be credible, unless there is sufficient evidence to raise doubt.

The hearsay rule does not apply when a document recording an electronic communication refers to the identity of the person from whom the communication originated, the date or time the communication was sent, the destination of the communication or the identity of the person to whom the communication was addressed.

The person introducing an electronic record into evidence has the burden of proving its authenticity. In proving that authenticity, an expert's evidence may be presented via certificate.

Electronic signatures satisfy the rule of law in any instance where a rule of evidence requires a signature.

### For more information

If there are any questions or the need for further clarification, please contact the E-Governance and Digitalization Unit at [info@egov.gov.bz](mailto:info@egov.gov.bz) or visit their Facebook Page [@E-Governance-and-Digitalization-Unit](https://www.facebook.com/E-Governance-and-Digitalization-Unit).

### Key Partners



ECONOMIC  
DEVELOPMENT  
COUNCIL



COMPETE  
CARIBBEAN



Canada



MINISTRY OF  
HOME AFFAIRS  
AND NEW GROWTH INDUSTRIES