



Electronic Transactions Act, 2021

All You Need To Know

“Creating a safe and effective digital environment for ALL”

The Act

Gazetted on October 9, 2021, the Electronic Transactions Act, 2021 gives legal effect to all electronic documents, records and signatures and provides for the transfer of information and records by electronic means. It repeals the Electronic Transactions Act, Chapter 229:03 of the Substantive Laws of Belize, Revised Edition 2011

The final draft which was passed into law is a result of a partnership between the Ministry of Youth, Sports and E-Governance's e-Governance and Digitalization Unit, the Economic Development Council and regional partners the IDB, CDB, UKAID and Canada.

Why the Need for the Act?

The business community, including banks and commercial organizations, consumers and public authorities use computer and other related technologies to create, transmit and store information in electronic form instead of in traditional paper documents. Information stored in electronic form has many advantages as it is cheaper and easier to store and retrieve and speedier to communicate.

Even though the general public is aware of all these advantages, many individuals are reluctant to conduct business or conclude any transaction electronically due to the lack of an appropriate legal framework. This Act provides that legal framework within which electronic transactions can be conducted in a predictable and safe environment while also defining the rights and obligations of the transacting parties. The ETA also supports other e-legislations that were passed into law. Very importantly, it also addresses aspects relating to the legality of e-contracts and recognizes the use of e-signatures.

Framework of the Act

This Act seeks to implement the provisions of the three conventions relating to Electronic Transactions:

The United Nations Commission on International Trade Law (UNCITRAL) e-Model Law on Electronic Commerce

The UN Convention on the Use of Electronic Communications in International Contracts

The UNCITRAL Model Law on Electronic Transferable Records (MLETR)



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Specific Purposes of the Act

To provide for the development, promotion and facilitation of electronic transactions and related electronic communications

To remove and prevent barriers to electronic transactions and related electronic communications including all enactments except where specifically excluded

To promote legal certainty and confidence in electronic transactions and electronic communications

To promote e-government services and electronic commerce and electronic communications with, by, between and for public and private bodies, institutions and individuals

To promote the development of electronic transaction services responsive to the needs of consumers

To ensure that, in relation to the provision of electronic transactions and services, the special needs of vulnerable groups and communities and persons with disabilities are duly taken into account

To ensure compliance with accepted international technical standards in the provision and development of electronic transactions and related electronic communications

To promote public confidence in the integrity and reliability of electronic records and electronic commerce, and to foster the development of electronic commerce through the use of electronic signatures to lend authenticity and integrity to correspondence in any electronic form

Key Definitions

Addressee - in relation to an electronic communication, means a person who is intended by the originator to receive the electronic communication, but does not include a person acting as an intermediary with respect to that electronic communication

Authentication data - includes username, password and license key

Automated message system - a computer program or an electronic or other automated means used to initiate an action or respond to data messages or performances in whole or in part, without review or intervention by an individual each time an action is initiated or a response is generated by the program or electronic or other means

Certificate - a data message or other record confirming the link between a signatory and the signature creation data

Consumer - any person who enters or intends to enter into an electronic transaction with a supplier as the end user of the goods or services offered by the supplier

Court - the Supreme Court of Belize

Electronic - includes electrical, digital, magnetic, wireless, optical, electro-magnetic, biometric, photonic and similar



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capabilities

Electronic-commerce service provider - a person who uses electronic means in providing goods or services or both

Electronic communication - information which is communicated, processed, recorded, displayed, created, stored, generated, received or transmitted in an electronic form

Electronic form - with reference to information, any information generated, sent, received or stored in media, magnetic form, optical form, computer memory, microfilm, computer generated microfiche or similar device

Electronic record - a record generated, communicated, received or stored by electronic means in an information system or for transmission from one information system to another

Electronic signature - data in electronic form which is attached to or logically associated with other data in electronic form and which is used by the signatory to sign

Information - includes data, text, documents, images, sounds, codes, computer programmes, software and databases

Information system - a system for generating, sending, receiving, storing or otherwise processing an electronic record

Public authority - any Ministry, department, agency, board, commission, local democratic organ or other body of the Government and includes an entity or body established by law or by arrangement of the Government or a Minister for a non-commercial public service purpose

Record - information that is inscribed, stored or otherwise fixed on a tangible medium or that is stored in an electronic, paper-based or other medium and is retrievable in visible form

Security procedure - a procedure established by law or agreement or knowingly adopted by each party, that is employed for the purpose of verifying that an electronic signature, communication or performance is that of a particular person or for detecting changes or errors in content of an electronic communication

Signatory - an individual who creates an electronic signature and its grammatical Signed or signature variations mean a method (electronic or otherwise) used to identify a person and to indicate the intention of that person in respect of the information contained in a record

Transaction - an action or set of actions relating to the conduct of business, consumer or commercial affairs between two or more persons including the sale, lease, exchange, licensing or other disposition of personal property, including goods and intangible interests in real property, services or any combination of any of these acts

Transferable document or instrument - a document or instrument issued on paper that entitles the holder to claim the performance of the obligation indicated in the document or instrument and transfer the right to performance of the obligation indicated in the document or instrument through the transfer of that document or instrument



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Structure of Bill

The Bill is divided into priority areas which comprehensively address the purposes of the Act, including requirements for legal recognition, electronic contracts, electronic signatures, digital signatures, electronic time stamps, electronic transferable records, information security procedures providers, digital government, intermediaries and electronic commerce service providers, consumer protection, contravention and enforcement.

Penalties for Contravention of the Act

It is an offence under this Act to file information required under this Act that contains false or misleading information; or provides a consumer or a user of an electronic signature with false or misleading information.

A person who commits an offence under this Act for which no penalty is provided is liable upon summary conviction to a fine of two hundred thousand dollars or to imprisonment for a term of three years, or to both fine and imprisonment; and upon conviction on indictment to a fine two hundred and fifty thousand dollars or to imprisonment for a term of five years or to both fine and imprisonment.

If an offence under this Act is committed by a corporate body for which no penalty is provided, that body is liable on summary conviction to a fine of two hundred and fifty thousand dollars; and on conviction on indictment to a fine of five hundred thousand dollars.

Where an enterprise contravenes any of the provisions of this Act, the Court may for a criminal offence, in addition to any penalty, impose a fine of up to ten per cent of the annual turnover of the enterprise.

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 or visit the E-Governance and Digitalization Unit Facebook Page.

Key Partners



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