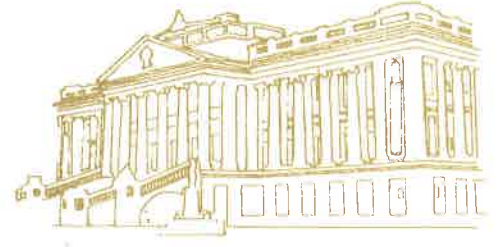




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சனாதிபதி அலுவலகம்
PRESIDENTIAL SECRETARIAT



My No.PS/CTF/01/01

23.09.2021

Circular No.CTF/01/2021

To: **All Secretaries of Ministries
All Secretaries of State Ministries
All Chief Secretaries
All Secretaries to Governors
All Heads of Department and
All Heads of Corporations, Statutory Bodies and Government owned companies**

USE OF ELECTRONIC TRANSACTIONS ACT FOR OFFICIAL GOVERNMENT PURPOSES

In light of the global pandemic continuing to impact all nations, including Sri Lanka, there is an increased need for Government entities to modernize and transform its functions from manual to digital mode.

I draw your reference to Presidential Circular No: SP/SB/01/13 dated 09th October 2013 and wish to reiterate that all legal requirements for using electronic documents, electronic records and electronic communications (including e-mail) for official purposes, have been addressed by the Electronic Transactions Act No. 19 of 2006, as amended by Act No. 25 of 2017 (referred to as "ETA").

One of the main objectives of the ETA is "facilitate electronic filing of any form, application, or any other document with any ministry, department, provincial council, provincial ministry and department or local authority or, office, body or agency owned or controlled by the Government or a statutory body in a particular manner and to promote efficient delivery of public service by means of reliable forms of electronic communications". The ETA has also made provisions to achieve this objective through Section 8 of the ETA.

Although several Ministries, Government Departments and State Owned Enterprises (SOEs) have taken several positive steps in this regard in recent times, including the use of Electronic Signatures for internal use, the general adoption of digital methods for official government purposes is not yet satisfactory and there is room for improvement.

Therefore, Ministries, State Ministries, Departments and Government organizations are hereby directed to take immediate steps to start using electronic communications, electronic documents and electronic records for their official work. This will enhance efficiency and productivity whilst benefitting from the legal framework provided by the ETA.

I draw your specific attention to the following aspects which would ensure the efficient delivery of Government services to the public by digital means:-

a. Use of Digital Processes and Electronic Signatures in Government Institutions

Where any written law requires the filing of any form, application, or any other document with any Government Institution in a particular manner; or the issue of any license, certificate, permit or any other form of approval; or the receipt of payment, procurement or other transaction to be effected in a particular manner, such legal requirement is deemed to be satisfied if such filing, creation, retention, issue, grant, receipt, payment, procurement or transaction etc, is effected in the form of electronic records, electronic document or any electronic communication (Section 8 of ETA)¹

b. Legal Recognition of Electronic Communication:

Information contained in data messages, electronic documents, electronic records and electronic communication should not be denied their legal recognition, effect, validity and enforceability and accepted legally similar paper-based documents. (Section 3 of ETA)

c. Documents Required To Be In Written Form:

Notwithstanding the fact that certain laws require particular documents to be in written form, such requirements can be satisfied by electronic means, provided information in the said electronic documents, electronic record and electronic communications are stored in a manner so as to be available for reference later. (Section 4 of ETA)

¹ The term "electronic communication" as defined in Section 26 of the Electronic Transactions Act means any communication made by means of a data message

d. Information Required To Be In Original Form:

Where certain laws require that information be presented or retained in original form, such requirement can be met through electronic documents, electronic records and electronic communications if there is a process to ensure integrity to the information therein and the said electronic documents, electronic records or electronic communications are available for subsequent reference. (Section 5 of ETA)

e. Electronic Signatures:


Where certain laws make it mandatory to authenticate any information or communication by affixing a signature, such requirement is deemed to be met through an Electronic Signature. Please note the amended Section 7 of the ETA and technology neutral legal regime adopted through the “electronic signature” definition in Section 26. Digital Signatures also come within the ambit of electronic signatures. LankaClear, which was established by the Central Bank of Sri Lanka, together with ICTA under the overall supervision of the Ministry of Technology will provide the required guidance. Another circular on the use of digital signatures for official Government documents will be issued in due course, where more details would be available on this subject.

The benefit of adopting digital methods for official purposes, as provided under the ETA, are not limited to the above aspects, but specific attention is drawn to the above to ensure that all legal requirements for the use of such electronic methods for official purposes have been met through the ETA.

In the context of the adopting digital methods, Ministries, State Ministries, Departments and Government organizations are required to take note of the provisions of the National Archives Act No.48 of 1973, National Archives (Amendment) Act No.30 of 1981, the Public Administration Circular No. 25 / 2008 on the preservation of Government Records and the Right to Information Act. No 12 of 2016. The obligations to preserve information and Government Records under these statutory provisions can be done more effectively and efficiently through digital means under the ETA.

Therefore, you are instructed to immediately start using electronic communications, electronic documents and electronic records for all applicable official purposes, as per the provisions of the Electronic Transactions Act No.19 of 2006 (as amended). If clarifications are required regarding matters stated above, please send an email to ceo@icta.lk with copy to legal@icta.lk

This circular shall be valid with effect from 1st October 2021 and the deadline for its implementation shall be 31st December 2021, during which period implementation progress report should be sent to the under-signed with a copy to Secretary, Ministry of Technology and Chairman, Information and Communication Technology Agency of Sri Lanka (ICTA)



P. B. Jayasundera
Secretary to the President

Copy: Hon. Attorney General
Secretary, Ministry of Technology
Chairman, Information and Communication Technology Agency of Sri Lanka (ICTA).
Director General, Treasury Operations, Treasury
Chairman, LankaClear