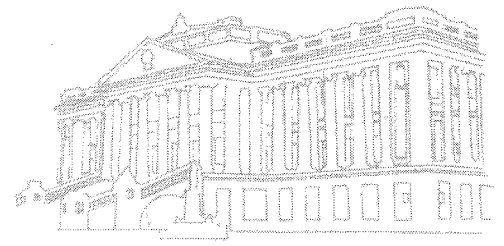




ජනාධිපති කාර්යාලය
சனாதிபதி அலுவலகம்
PRESIDENTIAL SECRETARIAT



My No: SB/02/C/03/1/12

Circular No: SP/SB/01/13

October 09, 2013

Secretaries of Ministries,
Chief Secretaries of Provinces,
Heads of Departments and
Heads of Corporations, Statutory Bodies and Government owned Companies.

Use of Electronic Documents and Electronic Communication for Official Use

Despite the fact that all legal requirements for using electronic documents and electronic communication (email) for official purposes have been addressed by the Electronic Transactions Act No. 19 of 2006, the acceptance and use of such documents and communications for official purposes remain at a low level in the public sector. The intent of this circular, therefore, is to clarify the legal situation with regard to the use of electronic documents and correspondence in order to promote such use for official purposes.

One of the main objectives of Electronic Transactions Act is "to facilitate electronic filling of documents with government and to promote efficient delivery of government services by means of reliable forms of electronic communications". In order to fulfill these objectives, the following legal provisions are made under the Electronic Transactions Act.

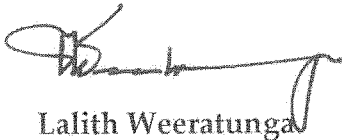
- Electronic data messages, electronic documents and electronic communication should not be denied their legal recognition, effect, validity and enforceability.
- Notwithstanding the fact that certain laws require particular documents to be in written form, such requirements can be satisfied by electronic documents, provided information in the said documents can subsequently be referred to.
- Where certain laws require that information be retained in original form, such requirement can be satisfied by electronic documents if their integrity is assured and the information in electronic documents can subsequently be referred to.
- Where certain laws make it mandatory to authenticate any information or communication by affixing the signature, such requirement can be fulfilled in electronic documents and communication by using an electronic signature for authentication.

→2

- e. Where any Act or enactment requires that particular information should be published in the Gazette, such requirement can be fulfilled by publishing such information in the electronic Gazette. Therefore, electronic Gazette may be used for all requirements in the public sector.

The above provisions assure that all legal requirements for using electronic documents and email for official purposes have been met. Therefore, in order to realize the objectives of e-Government and Electronic Transactions Act, I wish to instruct you to adopt the use of electronic documents and communication in your official work.

I also include herewith a white paper which has been drafted by the Information and Communication Technology Agency of Sri Lanka on "Use of Electronic Documents and Electronic Communication for Improving the Efficiency of Government" for your information.



Lalith Weeratunga
Secretary to the President

(The Sinhala and Tamil versions of this circular are attached.)

White Paper

Use of Electronic Document and Electronic Communication for Improving the Efficiency of the Government

1. Purpose:

The purpose of this white paper is to explain how electronic documents and communication can be used in the government for improving the efficiency of the government, the eGovernment Policy requirements related to electronic documents and communication and legality of the use of such documents for carrying out the official functions of government organizations.

2. What is an electronic document?

Electronic document is a document in which information is recorded in a manner that requires a computer or other electronic device to display, interpret, and process it. This includes documents (whether text, graphics, or spread sheets) generated by a software and stored on magnetic media (disks) or optical media (CDs, DVDs), as well as electronic mail and documents transmitted in electronic data interchange.

3. Use of electronic documents in the government

Most government organizations in Sri Lanka use paper documents for carrying out their functions and normal post for communication matters. However some government organizations have adopted the use of electronic documents combined with document management systems and electronic mail.

Usually the electronic documents are generated as a result of an automated process. In some cases the necessary paper documents are digitized to be converted in to electronic documents which are subsequently to be used in the document management systems. Such electronic documents could be a record in a database, a report, permit, certificate, license or letter generated through the automated system. Such electronic documents could be in the form of pdf, text, spreadsheet, image etc.

4. The benefits of using electronic documents: Cost of Handling Paper

A survey published by www.futurelawoffice.com with regard to maintaining paper documents in a traditional organization shows that

- 70% of time of assigned staff is spent processing paper
- 90% of documents are paper
- 7.5% of documents are lost
- 15% of documents are misplaced
- 30% of documents contain obsolete information

The research carried out by Gartner Group reveals the following.

- Information is doubling every 2.5 years.
- Pages per employee is increasing at 10% per year.
- Organizations now maintain 30 times more data than in 1999.
- The number of pages consumed in governments is going up at the rate of 20% per year.
- 75% of the cost of a document is in management and logistics.
- Typical office workers spend 40% of their time looking for information.
- Professionals spend over 500 hours annually reviewing and routing files, and another 150 hours looking for incorrectly filed documents.

5. The following benefits can be gained if switched to electronic documents

- a) Paper files and cabinets take up huge space and cost. Electronic documents do not occupy physical space and maintenance of such documents comparatively costs very less.
- b) The availability of electronic documents is very high. Those documents can be duplicated at a very minimum cost and can be archived very easily.
- c) It has been estimated that an average employee spends 400 hours per year searching for paper documents. Searching for electronic documents is very quick and costs a fragment of the cost of searching for paper documents.
- d) If the office systems can generate only electronic documents, creation, storage, back up and retrieval would cost very less.
- e) You can reduce your carbon footprint by going paperless and help save the planet.

6. Benefits of using electronic mail

- a) Email is very quick. Email can be sent to any corner of the world in seconds.
- b) Sending and receiving email have become ubiquitous (any where, any time).
- c) Cost of sending of email is significantly low.
- d) Filing and archiving of email take a significantly small space.
- e) When you reply to an email you can attach the original email to the reply for easy reference
- f) You can forward an email to another recipient very easily.
- g) You can use email system to automatically inform the senders when you are out of office.
- h) You can request for email delivery and read receipts, provided the email systems support that feature.
- i) You can attach any type of document or image to your email.
- j) You can send the same email to a number of recipients.
- k) Searching for a particular email is very convenient and does not take long.
- l) Backing up of emails is also very easy and costs very less.
- m) Current email software applications provide collaboration tools for maintaining calender, organizing meeting, maintaining tasks and assigning tasks to your team members

The above arguments prove that the use of electronic documents and communication can benefit individuals as well as organizations, significantly.

7. The e-Government Policy requirements

The eGovernment Policy which has been approved by the Cabinet of Ministers for implementation by all government organizations has provided a policy statement and four policy implementation guidelines related to electronic records and documents.

7.1 Policy requirements related to electronic documents

7.1.1 The policy statement related to electronic documents and records:

The Government organization shall be committed to complying with relevant record keeping laws, regulations, and standards, which will apply to all records regardless of format, including paper and electronic records.

7.1.2 The policy guidelines related to electronic documents and records:

- a) 010206: Electronic records should be retained in such a manner so as to retain their accessibility and usability, integrity and authenticity, and their legal admissibility and evidential weight.
- a) 010207: Electronic records should be maintained in such a manner to ensure confidentiality and prevent unauthorized access, modification, alteration or deletion / removal.
- b) 010208: Electronic records should be maintained in such a manner to ensure that they are complete in content and contains the related information necessary for the organization's business and transactions.
- c) 010214: Requirements for retention/ preservation of records in electronic form as well as requirements for originality in the context of electronic documents are prescribed under Section 5 and 6 of the Electronic Transactions Act No. 19 of 2006.
- d) 010215: Electronic records shall be deleted/destroyed only under the normal administrative practices of the organization, and in compliance with the applicable laws and regulations.

The eGovernment policy has addressed the use of electronic communication in detail through one policy statement and 16 policy guidelines.

7.2 Policy requirements related to electronic documents

7.2.1 The policy statement related to electronic communication:

Government email shall be used productively and the rules and regulations that apply to other forms of communication shall apply to email.

7.2.2 The policy guidelines related to electronic communication:

The policy document has provided 16 guidelines for using email in the government. The most important policy guidelines which are related to the use of email are given below.

- a) 040101: It is recommended that emails on the organization's domain are used only for organizational purposes.
- b) 040102: All official electronic communications should be carried out using the official email address.
- c) 040104: Emails on the organization's domain should not be used for sending out unsolicited email messages unrelated to the organization's mandate.
- d) 040105: Retention and deletion periods for emails should meet organizational requirements, legal requirements and the requirements of any relevant circulars.
- e) 040107: There should be a common email address for each organization in the format info@organization.gov.lk to be used for public communication purposes. Government organizations should ensure that this account is checked frequently and mail directed to the relevant officers with minimum delay.
- f) 040112: Emails should contain a standard disclaimer.

8. The legal validity of electronic documents and communications

The Electronic Transactions Act No 19 of 2006 of which one of the objectives is to “facilitate electronic filling of documents with Government and to promote efficient delivery of Government services by means of reliable forms of electronic communications”, ensures the legal validity of electronic documents and electronic communication on a broader platform. Since the Sri Lankan public sector is moving from a predominantly paper based documents to electronic culture, it addresses almost all scenarios for giving the legal coverage for all possible situations.

Scenarios

- 8.1** Data messages, electronic documents, electronic record or electronic communication should not be denied the legal recognition, validity, effect or enforceability because such documents are in electronic form.
- 8.2** Even if an existing law requires some documents to be in writing, such requirements can be fulfilled by electronic documents provided information in such documents is accessible and usable for future references.
- 8.3** Even if an existing law requires some documents to be in original form, such requirements can be fulfilled by electronic documents, provided the integrity of information in such documents can be reliably assured from the time of the generation of such document and information in such documents is accessible and usable for future references.
- 8.4** Even if an existing law requires some information to be retained, such requirement can be fulfilled even though such information has not been originally generated in electronic form, provided that ;
 - 8.4.1** information in such documents is accessible and usable for future references
 - 8.4.2** such information has been retained in the original format or in a format which can be demonstrated to represent accurately the information generated, sent or received
 - 8.4.3** such information enables the identification of the origin and destination of electronic document or communication and time and date when such information is sent, received or retained.
- 8.5** Even if an existing law requires some documents to be signed, such requirement can be fulfilled by an electronic document or communication if those have been signed with a digital signature.
- 8.6** Even if an existing law requires some proclamation, rule, regulation, order, by-law, notification, or other matter shall be published in the Gazette, such requirement shall be fulfilled if such rule, regulation, order, by-law, notification or other matter is published in an electronic form of the Gazette.

Compiled by
Information and Communication Technology Agency of Sri Lanka