



**AN ACT AMENDING THE GENERAL BUSINESS LAW, TITLE 14 OF
THE LIBERIAN CODE OF LAWS REVISED, BY ADDING THERETO
CHAPTER 13 TO FACILITATE THE USE OF ELECTRONIC
TRANSACTIONS FOR COMMERCIAL AND OTHER PURPOSES,
AND TO PROVIDE FOR MATTERS ARISING FROM AND RELATED
TO SUCH USE.**

APPROVED JANUARY 8, 2002

**PUBLISHED BY AUTHORITY
MINISTRY OF FOREIGN AFFAIRS
JUNE 19, 2002**

AN ACT AMENDING THE GENERAL BUSINESS LAW, TITLE 14 OF THE LIBERIAN CODE OF LAWS REVISED, BY ADDING THERETO CHAPTER 13 TO FACILITATE THE USE OF ELECTRONIC TRANSACTIONS FOR COMMERCIAL AND OTHER PURPOSES, AND TO PROVIDE FOR MATTERS ARISING FROM AND RELATED TO SUCH USE.

It is enacted by the Senate and House of Representatives of the Republic of Liberia, in Legislature Assembled:

Section 1. Amendment to Title 14. That from and immediately upon the passage of this Law, the General Business Law, Title 14 of the Liberian Code of Laws Revised is hereby further amended by adding Chapter 13, to read word for word, as follows:

Chapter 13: ELECTRONIC TRANSACTIONS.

PART I.

PRELIMINARY.

- §13.1. Short Title.
- §13.2. Definitions and interpretation.

PART II.

VALIDITY OF ELECTRONIC RECORDS AND DIGITAL SIGNATURES.

- §13.3. General rule of validity – records in writing.
- §13.4. General rule of validity – signatures.
- §13.5. Transaction in or affecting domestic or foreign commerce.
- §13.6. Preservation of rights and obligations.
- §13.7. Oral communications.

PART III.

PRESENTATION AND RETENTION OF ELECTRONIC RECORDS AND DIGITAL SIGNATURES.

- §13.8. Presentation or retention of information in its original form.
- §13.9. Retention of information in electronic records.
- §13.10. Proximity.
- §13.11. Notarization and acknowledgment.
- §13.12. Electronic agents.
- §13.13. Admissibility of electronic records.
- §13.14. Exception in respect of court proceedings.
- §13.15. Minister of Foreign Affairs may exclude application of Part II and this Part.
- §13.16. No effect on specific provisions as to electronic records in other statutes.
- §13.17. Part II and this Part not to have effect if their operation affects other statutory requirements.

PART IV.

ATTRIBUTION OF SENDING AND RECEIVING ELECTRONIC RECORDS.

- §13.18. Attribution of electronic records.
- §13.19. Sending and receiving electronic records.

PART V.

TRANSACTION WHERE NO PARTY IS GOVERNMENT MINISTRY, ENTITY OR AGENT.

- §13.20. Transactions between persons who are not Government Ministries, Entities or Agents.
- §13.21. Consumer disclosures.
- §13.22. Specific exceptions.

PART VI.

APPLICATION TO GOVERNMENT.

- §13.23. Applicability to Government Ministries, Entities and Agents.

PART VII.

RECOGNITION OF CERTIFICATION AUTHORITIES AND CERTIFICATES BY RECOGNITION AUTHORITY.

- §13.24. Certification authority may apply to Recognition Authority for recognition.
- §13.25. Recognition Authority may on application recognize certification authorities.
- §13.26. Recognition Authority may recognize certificates.
- §13.27. Recognition Authority may revoke recognition.
- §13.28. Recognition Authority may suspend recognition.
- §13.29. Matters Recognition Authority may take into account in revoking or suspending a recognition.
- §13.30. Effect of revocation, suspension of recognition or expiry of validity of recognized certificate.
- §13.31. Recognition Authority may renew recognition of certification authority.
- §13.32. How Recognition Authority may give notices under this Part.

PART VIII.

CERTIFICATION AUTHORITY DISCLOSURE RECORDS AND CODE OF PRACTICE.

- §13.33. Recognition Authority to maintain certification authority disclosure record.
- §13.34. Recognition Authority to notify revocations, suspensions and non-renewals of recognition,
etc..
- §13.35. Recognition Authority may issue Code of Practice.

PART IX.

GENERAL PROVISIONS AS TO RECOGNIZED CERTIFICATION AUTHORITIES.

- §13.36. Publication of issued and accepted certificates.
- §13.37. Recognized certification authority to use trustworthy system.
- §13.38. Presumption as to correctness of information.
- §13.39. Representations upon issuance of recognized certificate.
- §13.40. Representations upon publication of recognized certificate.
- §13.41. Reliance limit.
- §13.42. Liability limits for recognized certification authorities.
- §13.43. Recognized certification authority to furnish report on compliance with this Law and any
Code of Practice.
- §13.44. Recognized certification authority to issue a certification practice statement.
- §13.45. Recognized certification authority to maintain repository.

PART X.

PROVISIONS AS TO CONFIDENTIALITY, DISCLOSURE AND OFFENCES.

§13.46. Obligation of confidentiality.

§13.47. False information.

§13.48. Other offenses.

PART XI.

IMMUNITY OF OFFICERS.

§13.49. Protection of officers.

PART XII.

FEEES AND REGULATIONS.

§13.50. Fees and Regulations.

PART XIII.

OPERATIONAL DATE.

§13.51. Operational date.

PART XIV.

SCHEDULE OF FEES.

§13.52. Fees in respect of applications for recognition and renewal of recognition.

PART I.

PRELIMINARY.

§13.1. Short Title.

This Act shall be known as the Electronic Transactions Law.

§13.2. Definitions and interpretation.

1. *Definitions.* In this Law, unless the context shall otherwise require:

“*Accept a certificate*”, in relation to a person to whom a certificate is issued, means that the person while having notice of the contents of the certificate:

- (a) Authorizes the publication of the certificate to one or more persons or in a repository;
- (b) Uses the certificate; or
- (c) Otherwise demonstrates the approval of the certificate;

“*Addressee*”, in relation to an electronic record sent by an originator, means the person who is specified by the originator to receive the electronic record, but does not include an intermediary;

“*Asymmetric cryptosystem*” means a system capable of generating a secure key pair, consisting of a private key for generating a digital signature and a public key to verify the digital signature;

“*Certificate*” means a record which:

- (a) Is issued by a certification authority for the purpose of supporting a digital signature which purports to confirm the identity or other significant characteristics of the person who holds a particular key pair;
- (b) Identifies the certification authority issuing it;
- (c) Names or identifies the person to whom it is issued;
- (d) Contains the public key of the person to whom it is issued; and
- (e) Is signed by a responsible officer of the certification authority issuing it;

“*Certification authority*” means a person who issues a certificate to a person (who may be another certification authority);

“Certification authority disclosure record”, in relation to a recognized certification authority, means the record maintained under section 13.33 for that certification authority;

“Certification practice statement” means a statement issued by a certification authority to specify the practices and standards that the certification authority employs in issuing certificates;

“Code of Practice” means any relevant code of practice issued under section 13.35;

“Consumer” means an individual who obtains, through a transaction, products or services which are used primarily for personal, family, or household purposes, and also means the legal representative of such an individual;

“Correspond”, in relation to private or public keys, means to belong to the same key pair;

“Digital signature”, in relation to an electronic record, means an electronic signature of the signer generated by the transformation of the electronic record using an asymmetric cryptosystem and a hash function such that a person having the initial untransformed electronic record and the signer’s public key can determine:

- (a) Whether the transformation was generated using the private key that corresponds to the signer’s public key; and
- (b) Whether the initial electronic record has been altered since the transformation was generated;

“Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;

“Electronic agent” means a computer program or an electronic or other automated means used independently to initiate an action or respond to electronic records or performances in whole or in part without review or action by an individual at the time of the action or response;

“Electronic record” means a record generated in digital form by an information system, which can be:

- (a) Transmitted within an information system or from one information system to another; and
- (b) Stored in an information system or other medium;

“Electronic signature” means any letters, characters, numbers or other symbols in digital form attached to or logically associated with an electronic record, and executed or adopted for the purpose of authenticating or approving the electronic record;

“Government Ministry or Entity” means any Ministry of the Government of the Republic

of Liberia or a public officer or a public body;

“Hash function” means an algorithm mapping or transforming one sequence of bits into another, generally smaller, set as the hash result, such that:

- (a) A record yields the same hash result every time the algorithm is executed using the same record as input;
- (b) It is computationally not feasible for a record to be derived or reconstituted from the hash result produced by the algorithm; and
- (c) It is computationally not feasible that 2 records can be found to produce the same hash result using the algorithm;

“Information” includes data, text, images, sound codes, computer programs, software and databases;

“Information system” means a system which:

- (a) Processes information;
- (b) Records information;
- (c) Can be used to cause information to be recorded, stored or otherwise processed in other information systems (wherever situated); and
- (d) Can be used to retrieve information, whether the information is recorded or stored in the system itself or in other information systems (wherever situated);

“Intermediary”, in relation to a particular electronic record, means a person who on behalf of another person, sends, receives or stores that electronic record or provides other incidental services with respect to that electronic record;

“Issue”, in relation to a certificate, means the act of a certification authority of creating a certificate and notifying its contents to the person named or identified in that certificate as the person to whom it is issued;

“Key pair”, in an asymmetric cryptosystem, means a private key and its mathematically related public key, where the public key can verify a digital signature that the private key generates;

“Operational date” has the meaning given to it in section 13.51;

“Originator”, in relation to an electronic record, means a person, by whom, or on whose behalf, the electronic record is sent or generated but does not include an intermediary;

“Person” means an individual, corporation, company, business trust, estate, trust, partnership,

limited liability company, association, foundation, joint venture, governmental agent, public corporation, or any other legal or commercial entity;

“**Private key**” means the key of a key pair used to generate a digital signature;

“**Public key**” means the key of a key pair used to verify a digital signature;

“**Recognition Authority**”, in relation to Title 5 of the Liberian Code of Laws Revised means the Deputy Registrar appointed by the Minister of Foreign Affairs of the Republic of Liberia under the provisions of that Title, and, in relation to Title 21 of the Liberian Code of Laws Revised, means the Deputy Commissioner of Maritime Affairs appointed under the provisions of that Title , and, in relation to any other law, means the person appointed for this purpose by the Minister of Foreign Affairs;

“**Recognized certificate**” means:

- (a) A certificate recognized under section 13.26; or
- (b) A certificate of a type, class or description of certificate recognized under section 13.26;

“**Recognized certification authority**” means a certification authority recognized under section 13.25;

“**Record**” means information that is inscribed on, stored in or otherwise fixed on a tangible medium or that is stored in an electronic or other medium and is retrievable in a perceivable form;

“**Reliance limit**” means the monetary limit specified for reliance on a recognized certificate;

“**Repository**” means an information system for storing and retrieving certificates and other information relevant to certificates;

“**Requirement**” includes a prohibition;

“**Responsible officer**”, in relation to a certification authority, means a person occupying a position of responsibility in relation to the activities of the certification authority relevant to this Law;

“**Rule of law**” means:

- (a) A statute and subsidiary legislation made thereunder;
- (b) A rule of common law or a rule of equity; or
- (c) Customary law;

“**Sign**” and “**signature**” include any symbol executed or adopted, or any methodology or procedure employed or adopted, by a person with the intention of authenticating or approving a record;

“**Subscriber**” means a person (who may be a certification authority) who:

- (a) Is named or identified in a certificate as the person to whom the certificate is issued;
- (b) Has accepted that certificate; and
- (c) Holds a private key which corresponds to a public key listed in that certificate;

“**Transaction**” means an action or set of actions relating to the conduct of business, consumer, or commercial affairs between two or more persons, including, but not limited to, any of the following types of conduct:

- (a) The sale, lease, exchange, licensing, or other disposition of:
 - (i) Personal property, including goods and intangibles;
 - (ii) Services; and
 - (iii) Any combination thereof; and
- (b) The sale, lease, exchange, or other disposition of any interest in real property, or any combination thereof;

“**Trustworthy system**” means computer hardware, software and procedures that:

- (a) Are reasonably secure from intrusion and misuse;

and any reference to a digital signature being verifiable is to be construed accordingly.

2. *Signature supported.* For the purposes of this Law, a digital signature is taken to be supported by a certificate if the digital signature is verifiable with reference to the public key listed in a certificate the subscriber of which is the signer.
3. *Application.* This Law applies to domestic and foreign communications and transactions.
4. *Construction.* Nothing in this Law:
 - (a) Shall be construed to limit or otherwise effect the rights of any person to assert that an electronic signature is a forgery, is used without authority, or otherwise is invalid for reasons that would invalidate a signature in written form;
 - (b) Affects the content or timing of any disclosure or record required to be provided or made available to any consumer under any rule of law.
5. *Effect in relation to other statutes.* The use or acceptance of an electronic record or signature by a consumer shall not constitute a waiver of any substantive protections afforded to any consumer under any statute enacted for that purpose.

PART II.

VALIDITY OF ELECTRONIC RECORDS AND DIGITAL SIGNATURES.

§13.3. General rule of validity – records in writing.

1. *Electronic record satisfies requirement for writing.* If a rule of law:
 - (a) Requires information to be or to be given in writing; or
 - (b) Provides for certain consequences if it is not,

an electronic record satisfies the requirement if the information contained in the electronic record is accessible so as to be usable for subsequent reference.

2. *Electronic record sufficient where writing permitted.* If a rule of law permits information to be or given in writing, an electronic record satisfies the requirement if the information contained in the electronic record is accessible so as to be usable for subsequent reference.

§13.4. General rule of validity – signatures.

1. *Digital signature satisfies requirement for signature.* If a rule of law requires the signature of a person or provides for certain consequences if a document is not signed by a person, a digital

signature of the person satisfies the requirement but only if the digital signature is supported by a recognized certificate and is generated within the validity of that certificate.

2. *Interpretation.* In sub-section 1, “within the validity of that certificate” means that at the time the digital signature is generated:

- (a) The recognition of the recognized certificate is not revoked or suspended;
- (b) If the Recognition Authority has specified a period of validity for the recognition of the recognized certificate, the certificate is within that period; and
- (c) If the recognized certification authority has specified a period of validity for the recognized certificate, the certificate is within that period.

§13.5. Transaction in or affecting domestic or foreign commerce.

1. *Effect on enforceability – electronic record.* Notwithstanding any rule of law (other than this Law), with respect to any transaction in or affecting domestic or foreign commerce:

- (a) A contract, or other record relating to such transaction may not be denied legal effect, validity, or enforceability solely because it is in electronic form; and
- (b) A contract, relating to such transaction may not be denied legal effect, validity, or enforceability solely because an electronic record was used in its formation.

2. *Effect on enforceability – electronic signature.* Notwithstanding any rule of law (other than this Law), with respect to any transaction in or affecting domestic or foreign commerce:

- (a) A signature relating to such transaction may not be denied legal effect, validity, or enforceability solely because it is in electronic form; and
- (b) A contract relating to such transaction may not be denied legal effect, validity, or enforceability solely because an electronic signature was used in its formation.

3. *Communication of offer and acceptance.* For the avoidance of doubt, it is declared that in the context of the formation of contracts, unless otherwise agreed by the parties, an offer and the acceptance of an offer may be in whole or in part expressed by means of electronic records.

§13.6. Preservation of rights and obligations.

This Law does not:

- (a) Limit, alter, or otherwise affect any requirement imposed by a rule of law relating to the rights and obligations of persons under such rule of law other than a requirement that contracts or other records be written or in non-electronic form; or

- (b) Require any person to agree to use or accept electronic records or electronic signatures with respect to a record other than a contract to which it is a party.

§13.7. Oral communications.

An oral communication or a recording of an oral communication shall not qualify as an electronic record for the purposes of this Law.

PART III.

**PRESENTATION AND RETENTION OF ELECTRONIC RECORDS
AND DIGITAL SIGNATURES.**

§13.8. Presentation or retention of information in its original form.

1. Requirement to retain satisfied by electronic record. Where a rule of law requires that certain information be presented or retained in its original form, the requirement is satisfied by presenting or retaining the information in the form of electronic records if:

check, that requirement is satisfied by retention of an electronic record of the information on the front and back of the check in accordance with this section.

§13.12. Electronic agents.

A contract or other record relating to a transaction or other matter may not be denied legal effect, validity or enforceability solely because its formation, creation, or delivery involved the action of one or more electronic agents so long as the action of any such electronic agent is legally attributable to the person to be bound.

§13.13. Admissibility of electronic records.

Without prejudice to any rules of evidence, an electronic record shall not be denied admissibility in evidence in any legal proceeding on the sole ground that it is an electronic record.

§13.14. Exception in respect of court proceedings.

1. *General rule.* The provisions of Part II and this Part do not apply to court orders or notices,

§13.15. Minister of Foreign Affairs may exclude application of Part II and this Part.

1. *Exclusion of application.* The Minister of Foreign Affairs may, by regulation made in accordance with section 10.5.1 of Chapter 10 of Part II of Title 12 (New Executive Law), exclude any rule of law, or a particular requirement or permission in any rule of law or a class or description of requirements or permissions in any rule of law, to which this Law would otherwise apply from the application of Part II and this Part.

2. *Specification of manner, format, etc..* The Minister of Foreign Affairs may, in relation to any rule of law to which this Law applies, specify by regulation:

- (a) The manner and format in which information in the form of an electronic record is to be given, presented or retained for the purposes of that rule of law or a particular requirement or permission in that rule or a class or description of requirements or permissions in that rule;
- (b) The procedure and criteria for verification of the receipt of that information and for ensuring the integrity and confidentiality of the information,

and the Minister may specify different requirements under paragraph (a) or (b) in relation to persons or cases of different classes or descriptions.

3. *Interpretation.* In this section, “manner and format” includes requirements as to software, communication, data storage, how the electronic record is to be generated, sent, stored or received and where a signature is required, the type of signature and how the signature is to be affixed to the electronic record.

4. *Application.* If the Minister has specified any requirement under sub-section 2(a) in relation to any rule of law, the information given, presented or retained or the signature made, as the case may require, for the purpose of that rule of law does not satisfy that rule unless it complies with the specified requirements.

§13.16. No effect on specific provisions as to electronic records in other statutes.

If a statute requires or permits giving, presenting or retaining information in the form of an electronic record or the authentication of information by an electronic signature for the purposes of that statute, but contains an express provision which:

- (a) Specifies requirements, procedures or other specifications for that purpose;
- (b) Requires the use of a specified service; or
- (c) Confers a discretion on a person whether or when to accept electronic records or electronic signatures for that purpose,

the provisions of Part II and this Part are not to be construed as affecting that express provision.

§13.17. Part II and this Part not to have effect if their operation affects other statutory requirements.

1. *Application of provisions in respect of “in writing” where other requirement cannot be complied with.* If the provisions of Part II and this Part on a requirement or permission in a rule of law for information to be or given in writing (“requirement for writing”) is such that any other requirement in that rule or a related rule (that is, a requirement other than the requirement for writing) cannot be complied with due to the operation of those provisions, those provisions shall not apply to the requirement for writing.

2. *Application of provisions in respect of signature where other requirement cannot be complied with.* If the effect the provisions of Part II and this Part in respect of an electronic signature on a requirement in a rule of law for the signature of a person is such that any other requirement in that rule or a related rule (that is, a requirement other than the requirement for the signature of a person) cannot be complied with due to the operation of those provisions, those provisions shall not apply to the requirement for the signature of a person.

3. *Application of provisions in respect of original form where other requirement cannot be complied with.*

- (b) With the authority of the originator; or
- (c) By an information system programmed by or on behalf of the originator to operate and to send the electronic record automatically:

Provided that nothing in this section is to affect the law of agent or the law on the formation of contracts.

§13.19. Sending and receiving electronic records.

1. *Time at which communication sent.* Unless otherwise agreed between the originator and the addressee of an electronic record, an electronic record is sent when it is accepted by an information system outside the control of the originator or of the person who sent the electronic record on behalf of the originator.

2. *Time at which communication received.* Unless otherwise agreed between the originator and the addressee of an electronic record, the time of receipt of an electronic record is determined as

relationship to the underlying transaction, or where there is no underlying transaction, the principal place of business of the originator or the addressee, as the case may be;

record to provide or make available (whichever is required) such information satisfies the requirement that such information be in writing if:

- (a) The consumer has affirmatively consented to such use and has not withdrawn such consent;
- (b) The consumer, prior to consenting, is provided with a clear and conspicuous statement:
 - (i) Informing the consumer of:
 - (aa) Any right or option of the consumer to have the record provided or made available on paper or in non-electronic form; and
 - (bb) The right of the consumer to withdraw the consent to have the record provided or made available in an electronic form and of any conditions, consequences (which may include termination of the parties' relationship), or fees in the event of such withdrawal;
 - (ii) Informing the consumer of whether the consent applies:
 - (aa) Only to the particular transaction which gave rise to the obligation to provide the record; or
 - (bb) To identified categories of records that may be provided or made available during the course of the parties' relationship;
 - (iii) Describing the procedures the consumer shall use to withdraw consent as provided in sub-paragraph (i) and to update information needed to contact the consumer electronically; and
 - (iv) Informing the consumer:
 - (aa) How, after the consent, the consumer may, upon request, obtain a paper copy of an electronic record; and
 - (bb) Whether any fee will be charged for such copy;

- (d) After the consent of a consumer in accordance with paragraph (a), if a change in the hardware or software requirements needed to access or retain electronic records creates a material risk that the consumer will not be able to access or retain a subsequent electronic record that was the subject of the consent, the person providing the electronic record:
 - (i) Provides the consumer with a statement of:
 - (aa) The revised hardware and software requirements for access to and retention of the electronic records; and
 - (bb) The right to withdraw consent without the imposition of any fees for such withdrawal and without the imposition of any condition or consequence that was not disclosed under subparagraph (b)(i); and

record to the extent it is governed by a rule of law governing:

- (a) The creation and execution of wills, codicils, or testamentary trusts; or
- (b) Adoption, divorce, or other matters of family law.

2. *Additional exceptions.* The provisions of this Law shall not apply to:

- (a) Any notice of:
 - (i) The cancellation or termination of utility services (including water, heat, and power);
 - (ii) Default, acceleration, repossession, foreclosure, or eviction, or the right to cure, under a credit agreement secured by, or a rental agreement for, a primary residence of an individual;
 - (iii) The cancellation or termination of health insurance or benefits or life insurance benefits (excluding annuities); or
 - (iv) Recall of a product, or material failure of a product, that risks endangering health or safety; or
- (b) Any document required to accompany any transportation or handling of hazardous materials, pesticides, or other toxic or dangerous materials.

such Ministry, entity or agent in accordance with specified standards or formats.

3. *Regulation and rule making powers.* Where, by virtue of regulations made under section 13.51 (“the operational regulations”), the provisions of this Law apply to a Government Ministry, entity or agent, the operational regulations shall have due regard to security and shall specify in respect of the Ministry, agent or entity the application of this Law and, without prejudice to the generality thereof, shall provide:

- (a) The manner and format in which the electronic record or signature is to be generated, sent, received and retained;
- (b) The procedure and criteria for verification of the receipt of that information and for ensuring the integrity and confidentiality of the information,

and the regulations may specify different requirements under paragraph (a) or (b) in relation to persons or cases of different classes or descriptions.

4. *Preservation of existing rulemaking authority - use of authority to interpret.* Subject to paragraph (b) and any relevant operational regulations, a Government Ministry, entity or agent that is responsible for rulemaking under any other statute may interpret sections 13.3, 13.4, 13.8 and 13.9 with respect to such statute through:

- (a) The issuance of regulations or rules pursuant to a statute; or
- (b) To the extent such Ministry, entity or agent is authorized by statute to issue orders or guidance, the issuance of orders or guidance of general applicability that are publicly available and published.

5. *Limitations on interpretation authority.* Notwithstanding sub-section 4, a Government Ministry, entity or agent shall not adopt any regulation, order, or guidance described in sub-section 4 unless:

- (a) Such regulation, order, or guidance is consistent with:
 - (i) If application of this Law has required operational regulations to be issued, those regulations and the application therein of sections 13.3, 13.4, 13.8 and 13.9; or
 - (ii) Sections 13.3, 13.4, 13.8 and 13.9;
- (b) Such regulation, order, or guidance does not add to, in a case to which paragraph (a)(i) applies, the requirements of those regulations in the application of those sections or, in a case to which paragraph (a)(ii) applies, the requirements of those sections; and
- (c) Such Ministry, entity or agent finds, in connection with the issuance of such regulation, order, or guidance, that:
 - (i) There is a substantial justification for the regulation, order, or guidance;

- (ii) The methods selected to carry out that purpose:
 - (aa) Are substantially equivalent to the requirements imposed on records that are not electronic records; and
 - (bb) Will not impose unreasonable costs on the acceptance and use of electronic records; and
- (iii) The methods selected to carry out that purpose do not require, or accord greater

- (c) Where a signature is required, the type of signature and how the signature is to be affixed to the electronic record;
- (d) The identity of, or criteria that must be met by, any third party used by a person filing a document to facilitate the process; and
- (e) Whether or not electronic records must be signed by electronic means.

9. *Requirements in relation to any rule of law.* If regulations, rules, orders or guidance falling within sub-section 3 or 4 specify any requirement as to manner and form in relation to any rule of law, the information given, presented or retained or the signature made, as the case may require, for the purpose of that rule of law does not satisfy that rule unless it complies with the specified requirements.

10. *Application of this section.* The provisions of sub-sections 1 and 3 shall not apply to matters falling within Titles 5 and 21 of the Liberian Code of Laws Revised.

PART VII.

RECOGNITION OF CERTIFICATION AUTHORITIES AND CERTIFICATES BY RECOGNITION AUTHORITY.

§13.24. Certification authority may apply to Recognition Authority for recognition.

1. *Application to be recognized certification authority.* Subject to sub-section 3, a certification authority may apply to the Recognition Authority in the manner and in a form specified by the Recognition Authority, together with payment of the prescribed fee, to become a recognized certification authority for the purposes of this Law.

2. *Contents of application.* An applicant shall furnish to the Recognition Authority:

- (a) The relevant particulars and documents specified by the relevant Recognition Authority; and
- (b) A report which:
 - (i) Contains an assessment as to whether the applicant is capable of complying with the provisions of this Law applicable to a recognized certification authority and any Code of Practice issued by the relevant Recognition Authority; and
 - (ii) Is prepared by a person acceptable to the Recognition Authority as being qualified to give such a report.

3. *Discretion to waive requirements.* The Recognition Authority may waive:

- (a) The requirements as to manner and form of making the application; or
- (b) The requirement of a report under sub-section 2,

in relation to a certification authority, in the circumstances specified in sub-section 4.

4. *Exercise of discretion.* The Recognition Authority may waive the requirements referred to in sub-section 3 only if:

- (a) The applicant is a certification authority with a status in a place outside Liberia comparable to that of a recognized certification authority (“comparable status”); and
- (b) The competent authority of that place accords to a recognized certification authority a comparable status on the basis of it being a recognized certification authority.

§13.25. Recognition Authority may on application recognize certification authorities.

1. *Discretion to recognize.*

- (a) The fact that the person has a conviction in Liberia or elsewhere for an offense for which it was necessary to find that the person had acted fraudulently, corruptly or dishonestly;
- (b) The fact that the person has been convicted of an offense against this Law;
- (c) If the person is an individual, the fact that the person is an undischarged bankrupt or has entered into a composition or a scheme of arrangement or a voluntary arrangement within the 5 years preceding the date of the application; and
- (d) If the person is a body corporate, the fact that the person is in liquidation, is the subject of a winding-up order or there is a receiver appointed in relation to it or it has entered into a composition or a scheme of arrangement or a voluntary arrangement within the 5 years preceding the date of the application.

4. *Conditions.* In recognizing a certification authority under sub-section 1, the Recognition Authority may:

- (a) Attach conditions to the recognition; or
- (b) Specify a period of validity for the recognition.

§13.26. Recognition Authority may recognize certificates.

1. *Recognition of certificates of another authority.* The Recognition Authority may recognize certificates issued by a recognized certification authority as recognized certificates, upon application by that authority.

2. *Form of application by authority.* An applicant under sub-section 1 shall make the application in the prescribed manner and in a form specified by the Recognition Authority and furnish to the Recognition Authority the relevant particulars and documents specified by the Recognition Authority.

3. *Extent of recognition.* A recognition under sub-section 1 may relate to:

- (a) All certificates issued by the recognized certification authority;
- (b) Certificates of a type, class or description; or
- (c) Particular certificates.

4. *Fee.* An applicant shall pay the prescribed fee in respect of an application under sub-section 1.

5. *Relevant criteria.* In recognizing certificates under this section, the Recognition Authority shall, in addition to any other matter the Recognition Authority considers relevant, take into account the following:

- (a) Whether the certificates are issued in accordance with the certification practice statement;
- (b) Whether the certificates are issued in accordance with the Code of Practice;
- (c) The reliance limit set or proposed to be set for that type, class or description or the particular certificate, as the case may require; and
- (d) The arrangements put in place or proposed to be put in place by the certification authority to cover any liability that may arise from the issue of that type, class or description or the particular certificate, as the case may be.

6. *Power to refuse application.* The Recognition Authority may refuse an application under sub-section 1.

7. *Period of validity.* The Recognition Authority may specify a period of validity for a recognition under this section.

8. *Renewal.* The Recognition Authority may upon application renew a recognition under this section.

9. *Application of section to renewal application.* Sub-sections 2, 3, 4, 5, 6 and 7 apply to a renewal under sub-section 8, subject to necessary modifications.

§13.27. Recognition Authority may revoke recognition.

1. *Power to revoke.* The Recognition Authority may revoke a recognition granted under section 13.25 or 13.26 or renewed under section 13.26 or 13.31.

2. *Notice of intention to revoke.* Before revoking a recognition, the Recognition Authority shall give the certification authority a notice of intention to revoke the recognition, specifying the reasons for the intended revocation.

3. *Representations.* In a notice under sub-section 2, the Recognition Authority shall invite the certification authority to make representations as to why the recognition should not be revoked, and specify a period for making the representations.

4. *Notice of revocation.* If the Recognition Authority decides to revoke a recognition, the Recognition Authority shall immediately give the certification authority notice in writing of the decision, specifying the reasons for the decision and the date on which the decision was made.

5. *Extent of revocation.* A revocation of recognition in relation to certificates may relate to all certificates issued by a recognized certification authority or to a type, class or description of certificates or a particular certificate.

6. *Effective date.* A revocation takes effect on the expiry of 7 days from the date on which the decision to revoke the recognition is made.

§13.28. Recognition Authority may suspend recognition.

1. *Power to suspend.*

a certification authority has taken effect or the period of validity of a recognition specified under section 13.25.4(b) has expired, the provisions of this Law:

§13.31. Recognition Authority may renew recognition of certification authority.

1. *Application for renewal.* A certification authority recognized under section 13.25 may apply to the Recognition Authority for renewal of a recognition.
2. *Timing of application.* An application for renewal shall be made at least 30 days before but not earlier than 60 days before the expiry of the period of validity of the recognition.
3. *Delivery of application.* An application for renewal shall be sent to the Recognition Authority

PART VIII.

CERTIFICATION AUTHORITY DISCLOSURE RECORDS AND CODE OF PRACTICE.

§13.33. Recognition Authority to maintain certification authority disclosure record.

1. *Publication of record.* The Recognition Authority shall maintain for each recognized certification authority an on-line and publicly accessible record.
2. *Contents of record.* The Recognition Authority shall publish in the certification authority disclosure record information regarding that certification authority relevant for the purposes of this Law (in addition to the information required to be given in it under other provisions of this Law).

§13.34. Recognition Authority to notify revocations, suspensions and non-renewals of recognition, etc..

1. *Requirement to publish in record.* The Recognition Authority shall give notice in the relevant certification authority disclosure record, immediately:
 - (a) When the Recognition Authority makes a decision to revoke a recognition under section 13.27.4;
 - (b) When a revocation has taken effect under section 13.27.6;
 - (c) When the Recognition Authority makes a decision to suspend a recognition under section 13.28.2;
 - (d) When a suspension has taken effect under section 13.28.4;
 - (e) When the recognition of a suspended recognition is reinstated.
2. *Notice of failure to apply for renewal.* If a recognized certification authority does not apply for renewal before the end of the period during which an application for renewal can be made under section 13.31.2, the Recognition Authority shall, at least 21 days before the expiry of the period of validity of the recognition, give notice in the certification authority disclosure record maintained for the certification authority, of the date of the expiry of the validity and that the certification authority has not applied for renewal.

§13.35. Recognition Authority may issue Code of Practice.

A Recognition Authority may issue a Code of Practice specifying standards and procedures for carrying out the functions of recognized certification authorities in respect of which he is the relevant Recognition Authority.

PART IX.

GENERAL PROVISIONS AS TO RECOGNIZED CERTIFICATION AUTHORITIES.

§13.36. Publication of issued and accepted certificates.

1. *Obligation of publication.* Where a subscriber accepts a recognized certificate issued by a recognized certification authority, the certification authority shall publish the certificate in a repository.
2. *Prohibition on publication.* If the subscriber does not accept the recognized certificate, the recognized certification authority shall not publish it.

§13.37. Recognized certification authority to use trustworthy system.

A recognized certification authority shall use a trustworthy system in performing its services:

- (a) To issue or withdraw a recognized certificate; or
- (b) To publish in a repository or give notice of the issue or withdrawal of a recognized certificate.

§13.38. Presumption as to correctness of information.

It shall be presumed, unless there is evidence to the contrary, that the information contained in a recognized certificate issued by a recognized certification authority (except information identified as subscriber's information which has not been verified by the recognized certification authority) is correct if the certificate was published in a repository.

§13.39. Representations upon issuance of recognized certificate.

By issuing a recognized certificate, a recognized certification authority represents to any person who reasonably relies on the information contained in the certificate or a digital signature verifiable by the public key listed in the certificate, that the recognized certification authority has issued the certificate in accordance with any applicable certification practice statement incorporated by reference in the certificate, or of which the relying person has notice.

§13.40. Representations upon publication of recognized certificate.

By publishing a recognized certificate, a recognized certification authority represents to any person who reasonably relies on the information contained in the certificate, that the recognized certification authority has issued the certificate to the subscriber concerned.

§13.41. Reliance limit.

A recognized certification authority may,

- (a) In issuing a recognized certificate, specify a reliance limit in the certificate;
- (b) Specify different limits in different recognized certificates or in different types, classes or description of certificates.

§13.42. Liability limits for recognized certification authorities.

1. *No liability.* Unless a recognized certification authority waives the application of this sub-section, the recognized certification authority is not liable for any loss caused by reliance on a false or forged digital signature of a subscriber supported by a recognized certificate issued by that certification authority, if the recognized certification authority has complied with the requirements of this Law and any Code of Practice with respect to that certificate.

2. *Limitation on liability.* Unless a recognized certification authority waives the application of this sub-section, the recognized certification authority is not liable in excess of the amount specified in the certificate as its reliance limit, for a loss caused by reliance on any information:

- (a) That the recognized certification authority is required to confirm according to the certification practice statement and the Code of Practice; and
- (b) Which is misrepresented on that recognized certificate or in a repository, if the recognized certification authority has, in relation to that certificate, complied with the requirements of this Law and any Code of Practice.

3. *Restriction on reliance on sub-section 2.* The limitation of liability under sub-section 2 does not apply if the fact was misrepresented due to the negligence of the recognized certification authority or it was intentionally or recklessly misrepresented by the recognized certification authority.

§13.43. Recognized certification authority to furnish report on compliance with this Law and any Code of Practice.

1. *Requirement for a report.* At least once in every 12 months, a recognized certification authority shall furnish to the Recognition Authority a report containing an assessment as to whether the recognized certification authority has complied with the provisions of this Law applicable to a recognized certification authority and any Code of Practice during the report period.

2. *Preparation of report.* A report under sub-section 1 shall be prepared, at the expense of the certification authority, by a person approved by the Recognition Authority as being qualified to make such a report.

3. *Publication.* The Recognition Authority shall publish in the certification authority disclosure record for the certification authority the date of the report and the material information in the report.

4. *Report period.* In sub-section 1 “report period”, in relation to a report (“current report”), means the period beginning on:

- (a) The date on which recognition granted under section 13.25 comes into operation; or
- (b) The day following the last day of the period for which the last report under that sub-section was furnished,

as the case may require, and ending on the last day of the period for which the current report is furnished.

§13.44. Recognized certification authority to issue a certification practice statement.

A recognized certification authority shall issue and maintain an up to date certification practice statement and notify the Recognition Authority of changes to the practices of the certification authority as set out in that statement.

§13.45. Recognized certification authority to maintain repository.

1. *Requirement for repository.* A recognized certification authority shall maintain or cause to be maintained an on-line and publicly accessible repository.

2. *Publication of list of repositories.* The Recognition Authority shall publish on-line a list of the repositories maintained under sub-section 1.

PART X.

PROVISIONS AS TO CONFIDENTIALITY, DISCLOSURE AND OFFENCES.

§13.46. Obligation of confidentiality.

1. *General obligation.* Subject to sub-section 2, a person who has access to any record, book, register, correspondence, information, document or other material in the course of performing a function under or for the purposes of this Law shall not disclose or permit or suffer to be disclosed such record, book, register, correspondence, information, document or other material to any other person.

2. *Exceptions.* Sub-section 1 does not apply to disclosure:

- (a) Which is necessary for performing or assisting in the performance of a function under or for the purposes of this Law;
- (b) For the purpose of any criminal proceedings in Liberia or elsewhere;

- (c) For the purpose of complying with a requirement made under a rule of law with a view to instituting a criminal proceeding in Liberia or elsewhere; or
- (d) Under the direction or order of a court.

3. *Offences.* A person who contravenes sub-section 1 commits an offense and shall be guilty of a felony of a third degree as defined in Chapter 50 of the New Penal Law.

§13.47. False information.

A person who knowingly or recklessly makes, orally or in writing, signs or furnishes any declaration, return, certificate or other document or information required under this Law which is untrue, inaccurate or misleading commits an offense.

§13.48. Other offenses.

A person who makes a false claim that a person is a recognized certification authority commits an offense.

PART XI.

IMMUNITY OF OFFICERS.

§13.49. Protection of officers.

1. *No liability in respect of Part VII.* No liability is incurred by the Government, a Government Ministry, entity or agent or an officer of the Government, a Government Ministry, entity or agent by reason only of the fact that a recognition is granted, renewed, revoked, suspended or reinstated under Part VII.

2. *No liability in respect of other Parts.* Without prejudice to sub-section 1, no civil liability is incurred by the Government, a Government Ministry, entity or agent or an officer of the Government, a Government Ministry, entity or agent in respect of anything done or omitted to be done by the officer in good faith in the performance or purported performance of any function under a Part other than Part VII.

PART XII.

FEES AND REGULATIONS.

§13.50. Fees and Regulations.

1. *Fees.* Fees payable for the purposes of this Law are those prescribed in section 13.52.
2. *Amendment to section 13.52.* Subject to sub-section 3, the Minister for Foreign Affairs may by regulation, made in accordance with section 10.5.1 of Chapter 10 of Part II of Title 12 (New Executive Law), vary the provisions of section 13.52 and for the purposes of determining fees payable under this Law may introduce, vary, increase, reduce or remove fees, including fees now provided for in this Law.
3. *Fees chargeable by Recognition Authority for the purposes of Titles 5 and 21 of the Liberian Code of Laws Revised.* The provisions of section 13.52 as they apply to fees to be collected by the Recognition Authority appointed in respect of matters falling within Titles 5 and 21 of the Liberian Code of Laws Revised may be varied (that is to say introduced, varied, increased, reduced or removed) by the Minister of Foreign Affairs, in the case of matters falling within Title 5, and the Commissioner of Maritime Affairs in respect of matters falling within Title 21, acting alone.
4. *Regulations – Titles 5 and 21 of the Liberian Code of Laws Revised.* The Minister of Foreign Affairs in respect of Title 5 of the Liberian Code of Laws Revised and the Commissioner of Maritime Affairs in respect of Title 21 of the Liberian Code of Laws Revised may, in accordance with section 10.5.1 of Chapter 10 of Part II of Title 12 (New Executive Law), make regulations to provide for such other matters as are necessary or expedient to give effect to the provisions of this Law in respect of matters falling to be dealt with for the purposes of Titles 5 and 21.
5. *Regulations – other than Titles 5 and 21 of the Liberian Code of Laws Revised.* Subject to sub-section 4, the Minister for Foreign Affairs may, in accordance with section 10.5.1 of Chapter 10 of Part II of Title 12 (Executive Law), make regulations to provide for such other matters as are necessary or expedient to give effect to the provisions of this Law.
6. *Rules.* In respect of matters falling within Title 5 of the Liberian Code of Laws Revised, the Registrar, and, in respect of matters falling within Title 21 of the Liberian Code of Laws Revised, the Commissioner of Maritime Affairs may make rules not inconsistent with this Law or any regulations made under sub-section 4 to provide for such other matters as are necessary or expedient to give effect to the provisions of this Law.

PART XIII.

Column 1

Column 2

Column 3

Applications in respect of which a fee is payable

FeeUS\$

- | | | |
|----|--|-----------|
| 4. | An application for recognition of a particular certificate or a particular type, class or description of certificates under section 13.26 of the Law (if not made simultaneously with an application specified in item 1 or 2) | 3,000.00. |
|----|--|-----------|

Section 2. *Effective date.* This Act shall take effect immediately upon publication in handbills.

ANY LAW TO THE CONTRARY NOTWITHSTANDING

Printed by LISCR, LLC.

Liberian International Ship and Corporate Registry
8619 Westwood Center Drive
Vienna, VA 22182
USA
Tel: 703 790 3434
Fax: 703 790 5656
info@liscr.com