



CDC

CERTIFIED
DIGITAL
COMMUNICATIONS



LEGAL COMPLIANCE

A breakdown of Certified Digital Communication's compliance
with the relevant legislation in South Africa

OVERVIEW

The admissibility of electronic communications in South Africa has been well documented by the Electronic Communications and Transactions Act, No. 25 of 2002. In two high court cases it was found that registered electronic communication holds the same evidentiary weight as registered mail.

This document details CDC's compliance with the relevant legislation and regulations in South Africa and the rest of the world.

“a requirement in law that a document or information must be in writing is met if the document or information is in the form of a data message.”

- ECTA Section 12



THE OBJECTIVE

Is to provide the reader with sufficient evidence to support that the digital certificate produced by CDC technology is 100% compliant with relevant legislation and is admissible as evidence.

In this way, we provide a digital alternative to traditional registered mail that is more efficient than the existing system and can be delivered at a fraction of the price.

RELEVANT LEGISLATION

In South African Common Law it is accepted that electronic communication is legally enforceable. This is documented in detail in the Electronic Communications and Transactions Act, No. 25 of 2002 (ECTA). Below are the specific sections of the act that relate to electronic communication.

ECTA Section 1

A data message is defined as "data generated, sent, received or stored by electronic means". The South African high court has confirmed this includes registered email and SMS.

ECTA Section 12

“a requirement in law that a document or information must be in writing is met if the document or information is in the form of a data message.”

ECTA Section 22 (1)

"an agreement is not without legal force and effect merely because it was concluded partly or in whole by means of data messages..."

Based on the details of the ECT Act and the result of the two high court cases which occurred in South Africa in 2018, it is clear that electronic communications delivered by registered email and SMS, are legally enforceable.



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