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© Ministry of Justice, Finland

Act on Electronic Services and Communication in the Public Sector

(13/2003)

Chapter 1 – General provisions

Section 1 - Objective

The objective of this Act is to improve smoothness and rapidity of services and communication as well as information security in the administration, in the courts and other judicial organs and in the enforcement authorities by promoting the use of electronic data transmission.

The Act contains provisions on the rights, duties and responsibilities of the authorities and their customers in the context of electronic services and communication.

Section 2 – Scope of application

This Act applies to the lodging of administrative, judicial, prosecutorial and enforcement matters, to the consideration and to the service of decisions of such matters by electronic means, unless otherwise provided by statute. The Act applies, where appropriate, also to other activities of the authorities.

Judicial matters mean matters considered by general courts, administrative courts and special courts. Judicial matters also mean appeals in administrative matters, even when such appeals are considered by administrative authorities or other judicial organs. Furthermore, the Act applies to electronic services and communication in cases, where the consideration of an administrative matter has been assigned to someone else than a public authority, and when trial documents may be delivered to a person ordered by the court to receive such documents.

The Act does not apply to preliminary investigations or police inquiries.

Separate provisions apply to electronic services and communication in the Evangelical Lutheran Church of Finland.

Section 3 – Other legislation

The provisions in other applicable statutes apply to the services of authorities on the lodging of matters, on the service of decisions, on the openness of the activities of the authorities, on the processing of personal data, on the archiving of documents, on the language to be used in the consideration of a matter as well as on the consideration procedure.

The provisions in the Act on Electronic Signatures (14/2003) apply to the use of electronic signatures and certificate services relating to them.

Section 4 – Definitions

For the purposes of this Act:

- 1) electronic data transmission means telefaxes and teleservice, such as electronic forms, e-mail or access rights to electronic information systems, and other methods based on electronics, where data is transferred either wirelessly or via cable, with the exception of telephone calls;
- 2) electronic message means information which has been sent by means of electronic data transmission and which can, where necessary, be stored in written form; and
- 3) electronic document means an electronic message relating to the lodging or consideration of a matter or to the service of a decision.

Chapter 2 – **Duties of the authorities**

Section 5 – *Availability of electronic services*

An authority in possession of the requisite technical, financial and other resources shall, within the bounds of these, offer to the public the option to send a message to a designated electronic address or other designated device in order to lodge a matter or to have it considered. Furthermore, the authority shall offer to the public the option to deliver statutory or ordered notifications, requested accounts and other similar documents and messages by electronic means.

The authority may offer the services referred to in subsection (1) also for a specific function or in a specific office.

The authorities shall aim to use equipment and software which is technically as compatible and, from their customers' point of view, as user-friendly as possible. In addition, the authorities shall ensure an adequate level of information security both in their services to customers and in the communication between themselves.

Section 6 – *Accessibility of the authorities*

The authorities shall make sure that their electronic data transmission equipment is in working order and, as far as possible, accessible by the customers and other authorities also outside office hours.

Section 7 – *Authorities' contact information*

The authorities shall make their addresses for electronic communication known in an appropriate manner.

If a rectification request or an appeal can be electronically lodged with an authority, the relevant contact information shall be supplied in the rectification or appeal instructions. In other respects, separate provisions in other applicable statutes apply to the lodging of a rectification request or an appeal.

Chapter 3 – **Sending electronic messages**

Section 8 – *Risk of delivery of an electronic message*

The risk of delivery of an electronic message is borne by the sender.

Section 9 – *Meeting the requirements for written form and signature*

In the lodging and consideration of a matter, the required written form is also met by an electronic document delivered to the authorities. If a signed document is required in the lodging or consideration of a matter, an electronic signature referred to in section 18 of the Act on electronic signatures meets the requirements for signature.

An electronic document delivered to the authorities does not have to be signed, if the document includes sender information and there is no uncertainty about the originality or integrity of the document. If an electronic document delivered to the authorities includes a clarification of the authority of an agent, the agent does not have to deliver a power of attorney. However, if there is uncertainty about the agent's authority or the scope of the authority, the authorities may order the agent to deliver a power of attorney.

Section 10 – Time of delivery of an electronic message

An electronic message is considered delivered to the authority when it is available for the authority's use in a reception device or data system in such way that the message can be handled.

If the time of delivery cannot be determined because the authority's data transmission system has been out of order or out of use, or there are other similar reasons which prevent the determination of the time of delivery, the electronic message is considered delivered at the time when it was sent, provided that the time of sending can be reliably verified.

Section 11 – Delivery within a prescribed period of a document requested by an authority

A statement, an explanation, a defence or response or another similar document requested by the authority is considered timely delivered, if the delivery of the document has been carried out in accordance with this Act by the end of the last day of the prescribed period at the latest. This provision also applies when an authority has reserved someone an opportunity to submit a document.

In other respects, separate provisions in other applicable statutes apply to time limits and to the effects of observing them.

Section 12 – Acknowledgement of receipt of an electronic message

The authority shall without delay notify the sender of an electronic message of the receipt of the message. The acknowledgement can be sent as an automatic reply through the data system or given in some other way. The acknowledgement of receipt has no effect on the prerequisites for processing the matter. Separate provisions apply to these prerequisites.

The provisions in subsection (1) do not apply to documents delivered by telefax or other similar means.

Section 13 – Registration of electronic documents

All electronic documents shall be registered or the arrival of them recorded in some other reliable way.

A register entry or record must indicate the time of delivery of a document and the checks on the integrity and originality of the document.

Section 14 – Technical editing of an electronic message

An authority may technically convert a message it has received, if this is necessary in order to get the message into a form that can be read, stored or archived.

Section 15 – *Forwarding of an electronic document*

An electronic document which relates to the lodging or consideration of a matter and has been delivered by mistake to a wrong authority, shall without delay be forwarded to the authority it is meant for. The sender of the document shall be informed about the forwarding of the document.

In addition, in administrative matters and in matters of administrative judicial procedure, separate provisions on transfer of matters to competent authorities in other applicable statutes shall be complied with.

In a forwarded matter, the prescribed period shall be considered observed, if the document is delivered to the competent authority within that period.

Chapter 4 – **Electronic signature of decisions and electronic service of documents**

Section 16 – *Electronic signing of decisions*

A decision may be signed electronically. The electronic signature of an authority must meet the requirements for an acceptable electronic signature as provided in section 18 of the Act on Electronic Signatures.

Section 17 – *Copy of the decision*

When the period of validity of an electronic signature in a decision has expired, the party is entitled to a new copy of the decision upon request and free of charge.

Section 18 – *Verifiable electronic service*

When an appeal period begins upon the service of the decision or when the decision enters into force upon service, the decision may with the consent of the party also be served as an electronic message, but not, however, as a telefax or by similar means. The same applies to other decisions or documents subject to separate provisions on verifiable service in other applicable statutes. In such cases, the authority shall notify the party that the decision is available for retrieval by the party or a representative of the party on a server, in a data base or other link designated by the authority.

The party or the representative of the party shall identify himself/herself at the time of retrieval of the decision. For the identification, a certificate complying with the requirements for a qualified certificate in the Act on Electronic Signatures or another secure and verifiable identification method shall be used.

The service of the decision shall be considered effected when the document has been retrieved from the link designated by the authority in accordance with subsection (1). If the decision is not retrieved within seven days of the notification, the provisions on service in other applicable statutes shall be complied with in the service of the decision.

Section 19 – *Other electronic service*

Documents other than decisions may be served on the person concerned as electronic messages in the manner requested by this person. However, if the protection of the privacy of the person concerned or other special protection or the ensuring of his/her rights so requires, the provisions on service of a document in section 18 of this Act or in other applicable statutes shall be complied with.

Chapter 5 – **Miscellaneous provisions**

Section 20 – *Mechanical signature*

Applications for a summons, summons and trial documents delivered as electronic messages may be signed mechanically.

Documents originating in the activities of an administrative authority, as well as documents relating to enforcement, may be signed mechanically as separately provided in other applicable statutes.

Section 21 – *Archiving*

An electronic document must be archived in a manner that allows later verification of its originality and integrity.

Section 22 – *Administrative instructions and guidance*

More detailed regulations and guidance on register entries, other records and archiving in the context of electronic services and communication are provided by the National Archive Service.

Instructions and recommendations on how to ensure the technical compatibility and information security of electronic services and communication, and on the availability of electronic services are provided by the Ministry of Finance.

Section 23 – *Further provisions*

Further provisions on the implementation of this Act are issued by Government Decree.

Chapter 6 – **Entry into force and transitional provisions**

Section 24 – *Entry into force*

This Act enters into force on 1 February 2003.

This Act repeals the Act on Electronic Service in the Administration of 30 December, 1999, (1318/1999) and the act on electronic communication in judicial procedure (Act on Electronic Data Interchange and Automatic Data Processing in the General Courts) of 28 June, 1993 (594/1993), as amended.

Measures necessary for the implementation of this Act may be undertaken before its entry into force.

Section 25 – *Transitional provisions*

Permits issued by the Ministry of Justice for the use of the data transmission system maintained by it remain valid when this Act enters into force. The consideration of permit applications pending at the Ministry of Justice when this Act enters into force shall be carried out in compliance with the provisions which were in force prior to the entry into force of this Act. Following the entry into force of this Act, information to the data transmission system maintained by the Ministry of Justice may be supplied by an applicant who meets the technical requirements for the system.

An application by a certifier or a certificate holder for an entry in the register kept by the Ministry of Finance shall lapse if it is pending at the Council of State when this Act enters into force.

Instructions given under the Act on Electronic Service in the Administration remain in force until new instructions or regulations are given.

Following the entry into force of this Act, any references in other statutes to the act on electronic communication in judicial procedure (Act on Electronic Data Interchange and Automatic Data Processing in the General Courts) and the Act on Electronic Service in the Administration shall be regarded as references to this Act.