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Questionnaire

This questionnaire aims at taking stock of progress in the adoption and implementation of e-commerce laws globally, including the implementation at the national level of the regional frameworks on electronic transactions, consumer protection, cybercrime and data protection.

Many jurisdictions divide the laws into separate instruments – for example a broad e-commerce law may be accompanied by specific regulations – in this questionnaire we are interested in all relevant regulatory tools available.

## Please forward the completed questionnaire to ICT4D@unctad.org

**A. Background data**

|  |  |
| --- | --- |
| **Country name**  |  |
| Name of the person completing this survey  |  |
| Organisation |  |
| Position |  |
| Phone |  |
| E-mail |  |
| Website |  |

**B. E-commerce Law Adoption**

## Part I. Electronic Transactions Law

Electronic transactions laws facilitate e-commerce by providing legal certainty for the recognition of electronic communications, electronic records and electronic signatures. Electronic transactions laws are often influenced by international agreements such as the UNCITRAL Model Law on Electronic Commerce (1996), the UNCITRAL Model Law on Electronic Signatures (2001), and the United Nations Convention on the Use of Electronic Communications in International Contracts (2005).

**Responsible Government Department Name and URL**

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**Does your country have** **an electronic transaction law?**

|  |  |
| --- | --- |
| No |  |
| Yes - enacted law  |  |
| Draft/Proposed law only |  |
| Do not know |  |

**Please provide the name of relevant enacted or draft / proposed e-transactions laws (Name, year and URL)**

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**Have you used the provisions contained in the UNCITRAL Model Laws or in the ECOWAS Supplementary Act on electronic transactions (A/SA.2/01/10) to prepare the law? Please tick as appropriate.**

|  |  |  |
| --- | --- | --- |
|  | **Yes** | **No** |
| United Nations Convention on the Use of Electronic Communications in International Contracts (New York, 2005) |  |  |
| UNCITRAL Model Law on electronic signatures (2001) |  |  |
| UNCITRAL Model Law on electronic commerce (1996) |  |  |
| ECOWAS Supplementary Act on electronic transactions |  |  |
| Do not know |  |  |

**Please indicate any plans of your country to sign the United Nations Convention on the Use of Electronic Communications in International Contracts (2005). Please tick as appropriate**

|  |  |
| --- | --- |
| Not Started |  |
| Under Consideration |  |
| Signed |  |
| Ratified |  |
| Implemented |  |
| Do not know |  |

**Please indicate if your electronic transactions law has provisions that grant a legal status to electronic communications, electronic contracts, electronic signatures, and electronic records? Please tick as appropriate.**

|  |  |
| --- | --- |
| Electronic Communications / Messages |  |
| Electronic Contracts |  |
| Electronic Signatures |  |
| Electronic Records |  |
| Do not know |  |

**What types of electronic signature are recognized by law in your country? Please tick as appropriate.**

|  |  |
| --- | --- |
| All legal signatures |  |
| All legal signatures, but advanced/qualified signatures are associated with legal presumptions, while simple signatures are not ("two-tier approach") |  |
| Only advanced/qualified signatures |  |
| Only signatures associated with a specific technology (e.g., PKI) |  |
| Do not know |  |

**Does your existing e-transaction law require revision or updating? What are the key reasons for revision?**

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**Additional comments**

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## Part II. Privacy and data protection

Privacy may be defined as the claim of individuals to determine when, how and to what extent information about them is communicated to others. It is the right of an individual to control what happens with their personal information. Privacy laws are also known as, or supplemented by, Data Protection laws. Many laws are influenced by international models, such as the OECD Privacy Guidelines, the Commonwealth model law on privacy, the EU Data Protection Directive, the African Union Convention on Cyber Security and Personal Data Protection, ECOWAS Supplementary Act on personal data protection (A/SA.1/01/10), Council of Europe Convention 108 and APEC Privacy Framework.

**Responsible Government Department (Name and URL)**

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**Does your country have in place privacy laws for e-commerce? Please tick as appropriate.**

|  |  |
| --- | --- |
| No |  |
| Yes - enacted law |  |
| Draft/Proposed law only |  |
| Do not know |  |

**Please provide the name of relevant enacted or draft / proposed data protection/privacy laws (Name, year and URL)**

|  |
| --- |
|  |

**Please identify any international models that you considered in the development of privacy legislation. Multiple responses possible. Please tick as appropriate.**

|  |  |
| --- | --- |
| OECD Privacy Guidelines |  |
| ECOWAS Supplementary Act (A/SA.1/01/10) |  |
| EU Data Protection Directive |  |
| Commonwealth model law on privacy |  |
| APEC Privacy Framework |  |
| AU Convention on Cyber Security and Personal Data Protection |  |
| Council of Europe Convention 108 |  |
| Do not know |  |
| Other (please specify) |  |

**Does your existing privacy law require revision or updating? What are the key reasons for revision?**

|  |
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**Additional comments**

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## Part III. Cybercrime

Cybercrime refers to criminal activities committed by means of computers and the Internet, such as ‘hacking’ and the distribution of viruses. Cybercrime laws represent an upgrade from basic criminal law and even basic computer crime laws, as they are designed to address criminal behaviour and security issues in online commerce. Local laws are often influenced by international models, such as the Council of Europe Convention on Cybercrime (2001) and the Commonwealth model law on computer and computer related crime.

**Responsible Government Department Name and URL**

|  |
| --- |
|  |

**Does your country have** **a cybercrime law?**

|  |  |
| --- | --- |
| No |  |
| Yes - enacted law  |  |
| Draft/Proposed law only |  |
| Do not know |  |

**Please provide the name of relevant enacted or draft / proposed laws Name, year and URL.**

|  |
| --- |
|  |

**Please indicate what international models your government considered in the development of cybercrime legislation. Multiple responses possible. Please tick as appropriate.**

|  |  |
| --- | --- |
| Council of Europe Convention on Cybercrime |  |
| ECOWAS Directive (1/08/11) |  |
| Commonwealth model law on computer and computer related crime |  |
| AU Convention on Cyber Security and Personal Data Protection |  |
| Do not know |  |
| Other (please specify) |  |

**Does your existing cybercrime law require revision or updating? What are the key reasons for revision?**

|  |
| --- |
|  |

**Please note any cyber-security infrastructure that you have in place for identifying and investigating cyber-security threats. Multiple responses possible. Please tick as appropriate.**

|  |  |
| --- | --- |
| A national CERT |  |
| A cyber-security plan to protect key national infrastructure |  |
| Training and capacity building programs for police and law enforcement agencies |  |
| Do not know |  |
| Other (please specify) |  |

**Additional comments**

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## Part IV. Online Consumer Protection

Consumer protection law is government regulation of transactions between consumers and businesses. It protects the interests of consumers by imposing minimum obligations on businesses and providing redress in situations where consumers suffer harm. Consumer law covers a range of topics, including: product liability, unfair business practices, fraud and misrepresentation. Some jurisdictions have specific consumer protection regulations for online commerce, while others apply the general consumer protection law to online transactions.

**Responsible Government Department Name and URL**

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|  |

**Does your country have in place consumer protection laws for e-commerce?**

|  |  |
| --- | --- |
| No |  |
| Yes - enacted law  |  |
| Draft/Proposed law only |  |
| Do not know |  |

**Please provide the name of relevant enacted or draft / proposed laws Name, year and URL**

|  |
| --- |
|  |

**Please indicate what international models your government considered in the development of cybercrime legislation. Multiple responses possible. Please tick as appropriate.**

|  |  |
| --- | --- |
| OECD Guidelines for consumer protection in the context of electronic commerce |  |
| UN Guidelines on consumer protection |  |
| Do not know |  |
| Other (please specify) |  |

**Does your existing consumer protection law require revision or updating? What are the key reasons for revision?**

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**Additional comments**

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