

## SCHEDULE 12

All applicants: matters that must be included in an authority's scheme — procedural matters

### PART 4

#### Electronic communication

##### Interpretation

**12.** In this Part of this Schedule—

“information” (“*gwybodaeth*”) includes an application for a reduction under an authority's scheme, a certificate, notice or other evidence;

“official computer system” (“*system gyfrifiadurol swyddogol*”) means a computer system maintained by or on behalf of an authority for the sending, receiving, processing or storing of any information.

##### Conditions for the use of electronic communication

**13.**—(1) An authority may use an electronic communication in connection with an application for, and an award of, a reduction under its scheme.

(2) A person other than the authority may use an electronic communication in connection with the matters referred to in sub-paragraph (1) if the conditions specified in sub-paragraphs (3) to (6) are satisfied.

(3) The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the authority.

(4) The second condition is that the person uses an approved method of—

- (a) authenticating the identity of the sender of the communication;
- (b) electronic communication;
- (c) authenticating any application or notice delivered by means of an electronic communication; and
- (d) subject to sub-paragraph (7), submitting to the authority any information.

(5) The third condition is that any information sent by means of an electronic communication is in a form approved for the purposes of this Part.

(6) The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Chief Executive of the authority.

(7) Where the person uses any method other than the method approved of submitting any information, that information is to be treated as not having been submitted.

(8) In this paragraph “approved” (“*cymeradwy*”) means approved by means of a direction given by the Chief Executive of the authority for the purposes of this Part.

##### Use of intermediaries

**14.** An authority may use intermediaries in connection with—

- (a) the delivery of any information by means of an electronic communication; and
- (b) the authentication or security of anything transmitted by such means,

*Status: This is the original version (as it was originally made).*

and may require other persons to use intermediaries in connection with those matters.

**Effect of delivering information by means of electronic communication**

15.—(1) Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of an authority's scheme, on the day the conditions imposed—

- (a) by this Part; and
- (b) by or under an enactment,

are satisfied.

(2) An authority may determine that any information is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).

(3) Information is not to be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

**Proof of identity of sender or recipient of information**

16. If it is necessary to prove, for the purpose of any legal proceedings, the identity of—

- (a) the sender of any information delivered by means of an electronic communication to an official computer system; or
- (b) the recipient of any such information delivered by means of an electronic communication from an official computer system,

the sender or recipient, as the case may be, is to be presumed to be the person whose name is recorded as such on that official computer system.

**Proof of delivery of information**

17.—(1) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any information this is to be presumed to have been the case where—

- (a) any such information has been delivered to the authority, if the delivery of that information has been recorded on an official computer system; or
- (b) any such information has been delivered by the authority, if the delivery of that information has been recorded on an official computer system.

(2) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such information, this is to be presumed not to be the case, if that information delivered to the authority has not been recorded on an official computer system.

(3) If it is necessary to prove, for the purpose of any legal proceedings, when any such information sent by means of an electronic communication has been received, the time and date of receipt is to be presumed to be that recorded on an official computer system.

**Proof of content of information**

18. If it is necessary to prove, for the purpose of any legal proceedings, the content of any information sent by means of an electronic communication, the content is to be presumed to be that recorded on an official computer system.