(a) avoid unnecessary regulatory burden on electronic transactions; and

(b) facilitate input by interested persons in the development of its legal framework governing electronic transactions.

Article 10
Electronic Authentication and Electronic Signatures

1. Except as provided for under its laws and regulations, a Party shall not deny the legal validity of a signature solely on the basis that the signature is in electronic form.

2. Neither Party shall adopt or maintain any measure for electronic authentication or electronic signatures that would:

(a) prohibit parties to an electronic transaction from mutually determining the appropriate electronic authentication methods or electronic signatures for that transaction; or

(b) prevent parties to an electronic transaction from having the opportunity to establish before judicial or administrative authorities that their transaction complies with any legal requirements with respect to electronic authentication or electronic signatures.

3. Notwithstanding paragraph 2, a Party may require that, for a particular category of transactions, the electronic authentication methods or electronic signatures meet certain performance standards or are certified by an authority accredited in accordance with its laws and regulations.

Article 11
Cross-Border Transfer of Information by Electronic Means

1. Neither Party shall prohibit or restrict the cross-border transfer of information, including personal information, by electronic means, if this activity is for the conduct of the business of a covered person.

2. Nothing in this Article shall prevent a Party from adopting or maintaining a measure inconsistent with paragraph 1 that is necessary to achieve a legitimate public policy objective, provided that the measure:

(a) is not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on trade; and

(b) does not impose restrictions on transfers of information greater than are necessary to achieve the objective.[9]

Article 12
Location of Computing Facilities

1. Neither Party shall require a covered person to use or locate computing facilities in that Party's territory as a condition for conducting business in that territory.

2. This Article does not apply with respect to covered financial service suppliers, which are addressed by Article 13.

Article 13
Location of Financial Service Computing Facilities for Covered Financial Service Suppliers

1. The Parties recognize that immediate, direct, complete, and ongoing access by a Party's financial regulatory authorities to information of covered financial service suppliers, including information underlying the transactions and operations of such covered financial service suppliers, is critical to financial regulation and supervision, and recognize the need to eliminate any potential limitations on that access.

2. Neither Party shall require a covered financial service supplier to use or locate financial service computing facilities in that Party's territory as a condition for conducting business in that territory, so long as the Party's financial regulatory authorities, for regulatory and supervisory purposes, have immediate, direct, complete, and ongoing access to information processed or stored on financial service computing facilities that the covered financial service supplier uses or locates outside the territory of the Party.[10]

3. Each Party shall, to the extent practicable, provide a covered financial service supplier with a reasonable opportunity to remediate a lack of access to information as described in paragraph 2 before the Party requires the covered financial service supplier to use or locate financial service computing facilities in the territory of the Party.[11]

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[9] A measure does not meet the conditions of this paragraph if it accords different treatment to data transfers solely on the basis that they are cross-border in a manner that modifies the conditions of competition to the detriment of a covered person.

[10] For greater certainty, a Party may adopt or maintain a measure that is not inconsistent with this Agreement, including any measure consistent with Article 5.

[11] For greater certainty, so long as a Party's financial regulatory authorities do not have access to information as described in paragraph 2 of this Article, the Party may require a covered financial service supplier to use or locate financial service computing facilities in the territory of the Party.