

E-Signed, Sealed and Delivered Ghana's Current Legal Framework and Proposed Reforms for E-Signatures

Introduction

Signing documents used to mean ink on paper. Now, a click closes a deal. But does Ghanaian law keep pace?

Yes, with conditions and carve-outs. The Electronic Transactions Act, 2008 (Act 772), as amended by the Electronic Transactions (Amendment) Act, 2012 (Act 838) (the **ETA**), recognises e-signatures as a lawful means of execution, provided they are authentic. Certain document types, however, fall outside its scope. The draft Electronic Transactions Bill, 2025 (the **Bill**) proposes significant reforms to this framework. Once enacted, the Bill will repeal the ETA and establish a modernised regime for e-signatures in Ghana.

This briefing unpacks the ETA's framework for e-signatures, including definitions, authentication, and restrictions, and then examines the proposed reforms under the Bill.

E-Signatures under the ETA

Definition

The ETA defines a *digital signature* as data attached to, incorporated in, or logically associated with other data, intended by the user to serve as a signature. The ETA does not separately define an *electronic signature* but uses the term broadly to cover any electronic method indicating a person's signature. For this briefing, 'e-signature' encompasses both terms.

E-signatures take many forms, including a typed name, a scanned handwritten signature, a touchscreen drawing, and a click-to-sign on DocuSign or Adobe Acrobat Sign. Some offer stronger security than others. What matters under the ETA is authenticity, i.e., the signature must be secure and verifiable.

Restrictions

The ETA carves out certain documents. E-signatures cannot be used for negotiable instruments, powers of attorney, trusts, wills, and bills of lading.

What about land transactions? Originally, the ETA excluded contracts for the sale or conveyance of immovable property. The Land Act, 2020 (Act 1036) (the **Land Act**) changed that, expressly permitting electronic conveyancing with e-signatures and ETA compliance. The Land Act effectively supersedes this restriction through implied repeal.

Execution by e-signature

The ETA does not mandate any particular signing method. Parties may use a personal e-signature or any other mode that is secure, verifiable, and either agreed between them or recognised as reliable. The test is practical: Can the signatory be identified with certainty? Can the signatory's control of the signing means be confirmed? Can post-signing alterations be detected?

DocuSign, Adobe Acrobat Sign, and SimplyAgree are all valid, provided they meet the security and verifiability threshold.

Authenticity of e-signature

Under the ETA, an e-signature is authentic where:

- the means of creating it is linked to the signatory, not another person;
- the signatory controlled those means at signing, without duress or undue influence; and
- any post-signing alteration is detectable.

Where a certificate supports an e-signature, authenticity requires that the certificate is verified and its limitations observed. A certificate is an electronic document issued by a licensed or recognised provider linking an e-signature to a specific individual. Limitations may include expiry dates or purpose restrictions confining use to particular transactions.

An e-signature is also deemed authentic if it meets ETA requirements, any other statutory provision, or is contractually agreed.

Authentication and certification services

Authentication products or services identify the holder of an e-signature. Certification services provide authentication through a digital certificate attached to or associated with an electronic record. The National Information Technology Agency (**NITA**) licenses and monitors authentication providers in Ghana and recognises foreign providers, subject to conditions. Services are deemed provided in Ghana if made available from premises or a body

incorporated here, to a person present or operating from any system here, or from a Ghanaian domain or website.

Reliance on e-signature

Parties relying on an e-signature must take reasonable steps to verify its authenticity. Where a certificate is involved, they must verify its validity and observe any limitations.

Public agencies and the use of e-signature

Public agencies may specify additional requirements for e-signatures submitted with filings, permit applications, or licence requests, including the signature type, format, and how the signature associates with a document.

In practice, some agencies have not updated their internal processes to accept e-signatures despite the ETA's clear framework. It is advisable to confirm the relevant requirements before execution. That said, an agency has no legal basis under the ETA to reject an authentic e-signature outside the statutory restrictions.

E-signatures may also be used for notarisation, acknowledgement, and certification, subject to applicable procedural requirements.

Proposed Reforms under the Bill

Categories of e-signature

The Bill introduces three distinct categories of e-signature, moving beyond the ETA's single definition:

Digital signature: Data attached to, incorporated in, or logically associated with other data, intended to serve as a signature. This is the most basic form: a typed name or scanned signature qualifies. Intent is required, but security is minimal.

Electronic signature: A higher standard. The signature must be affixed to or logically associated with data, used to indicate agreement, and capable of identifying the signatory and maintaining document integrity. It confirms who signed and detects tampering.

Qualified electronic signature: The most secure category. It must be uniquely linked to the signatory, created using means under the signatory's sole control, and backed by a qualified certificate from an accredited provider. This is the gold standard.

The three tiers operate on a sliding scale. A *digital signature* is easily compromised; a typed name offers no certainty of identity. An *electronic signature* adds identification and integrity checks. A *qualified electronic signature* requires sole signatory control and certificate backing, making it the most robust option for high-value or high-risk transactions.

Removal of restrictions

The Bill removes all current restrictions. Once enacted, e-signatures would be permitted for negotiable instruments, powers of attorney, trusts, wills, and bills of lading. This is a significant expansion. However, this does not override other legal formalities. For example, attestation requirements for wills would still apply.

As with the ETA, some agencies may not yet accept e-signatures in practice. It remains advisable to confirm the relevant requirements before execution.

Digital and electronic signature certificates

The Bill introduces rigorous identity verification for e-signature certificates. Certificates may only be issued after biometric authentication and validation against a national identification database in accordance with the National Identification Authority Act, 2006 (Act 707). This significantly strengthens authenticity and reduces fraud risk.

Foreign certification service providers

The Bill sets clear conditions for recognising foreign certification providers, an area the ETA does not address. A foreign provider's certificates will be recognised if it: (i) operates under a regime offering substantially similar trust and reliability, (ii) complies with international best practices, or (iii) is recognised through mutual recognition arrangements or an approved interoperability framework. This brings predictability to cross-border transactions.

Conclusion

The Bill improves upon the ETA in two key ways: a three-tier e-signature framework with corresponding authentication requirements, and the removal of restrictions on negotiable instruments, powers of attorney, trusts, wills, and bills of lading.

As Ghana's e-signature framework evolves, so should execution practices. Not all e-signatures carry equal weight. Before typing a name or uploading a scanned signature, ask: Can it be linked to the signatory? Can the signatory's control of the signing means be confirmed? Can alterations be detected? For high-stakes transactions, a qualified electronic signature offers the strongest assurance, and the Bill paves the way for its broader adoption.

For further information and updates please contact Bentsi-Enchill, Letsa & Ankomah, the LEX Africa member in Ghana, on info@bentsienchill.com or visit <https://bentsienchill.com/> .