



Legal Alert

Changes in the Slovak legislation

- Act on e-Government

We wish you a pleasant reading.

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KPMG in Slovakia
November 2016

Electronic mailboxes

In the context of advancing informatization and use of electronic communication with public authorities, activation of electronic mailboxes commenced on 1 August 2016 in accordance with Act No. 305/2013 Coll. on the Electronic Form of Governance Conducted by Public Authorities and on changes and amendments to certain acts ("Act on e-Government"). This activation will only apply to the electronic mailboxes of legal entities and registered branch offices ("mailbox owners"). It will not apply to mailboxes of individuals or individuals - entrepreneurs.

Activation of electronic mailboxes will be carried out into two phases:

(i) from 1 August 2016 to 31 December 2016 ("transition period") electronic mailbox will be activated, only if the authorized person logs in to the electronic mailbox;

(ii) from 1 January 2017, all electronic mailboxes will be automatically activated.

Activation of electronic mailboxes will allow the public authorities to deliver the official correspondence to mailbox owners. It will work also *vice versa*, i.e. mailbox owners will be able to deliver the official correspondence to public authorities.

Access to electronic mailbox

Electronic mailbox can be accessed by authorized persons only, that is:

(a) in case of a legal entity - statutory body of a legal entity, or its member;

(b) in case of a registered branch office - head of a branch office and legal entity's (founder of a branch office) statutory body, or its member.

The mailbox owner can authorize another individual or another legal entity electronically via electronic mailbox or in a paper form. If authorization is granted in the paper form, it must be sent to the Government Office of the Slovak Republic and contain an officially authenticated signature of the mailbox owner.

Log in to the electronic mailbox can be done through the Central Government Portal (www.slovensko.sk). In order to log in to the electronic mailbox it is necessary to have:

(i) an identity card with an electronic chip (eID card)/or residence permit card with an electronic chip/;

(ii) a personal security code (BOK);

(iii) a card reader;

(iv) necessary applications and drivers (available at <https://www.slovensko.sk/sk/na-stiahnutie>).

In case of statutory representatives who do not have the Slovak identity card or residence permit card, the mailbox owner must authorize another individual or another legal entity to access the electronic mailbox.

Delivery

The electronic mailboxes allow for ordinary delivery or personal delivery; an electronic message is deemed to be delivered:

(i) in case of ordinary delivery, on the day immediately following the day on which an electronic message was deposited to the electronic mailbox (with the exception provided by the Act on e-Government);

(ii) in case of personal delivery, on the date, hour, minute and second shown on a delivery receipt or upon expiry of the storage period, whichever is the earlier, even if the addressee had no knowledge of the deposition (with the exceptions provided by the Act on e-Government);

(iii) if the addressee is a public authority, always the moment the electronic message was deposited to the electronic mailbox.

For the sake of completeness, please note that the storage period is 15 days, unless the special legislation determines otherwise (during the lapse of a storage period the message is deemed to be undelivered). The storage period begins to lapse on the day immediately following the day on which an electronic message was deposited to the electronic mailbox, unless the special legislation determines otherwise.

Conclusion

Since the delivery of official documents into electronic mailbox will have the same effect as delivery by regular mail it is vital to regularly monitor electronic mailbox.

If you are interested, we will be happy to provide you with more detailed information on activation and use of electronic mailbox.

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