

**Provisions in the Electronic Transactions Bill
Applicable to a Recognised Certification Authority**

Introduction

Under Clause 19(3)(b)(i) of the Electronic Transactions Bill, an applicant for recognition as a recognised certification authority has to furnish to the Director of Information Technology Services (DITS) a report which assesses whether the applicant is capable of complying with the provisions in the Bill applicable to a recognised certification authority and the code of practice to be issued by the DITS under Clause 39 of the Bill. This paper sets out for Members' reference provisions in the Bill which are applicable to a recognised certification authority.

A. Relevant Provisions of the Electronic Transactions Bill

Part VII of the Bill - Recognition of certification authorities and certificates by Director

2. All the provisions in Part VII of the Bill are applicable to a recognised certification authority, i.e.

- (a) Clause 19 - Certification authority may apply to Director for recognition;
- (b) Clause 20 - Director may on application recognise certification authorities;
- (c) Clause 21 - Director may recognise certificates;
- (d) Clause 22 - Revocation of recognition;
- (e) Clause 23 - Director may suspend recognition;

- (f) Clause 24 - Matters Director may take into account in revoking or suspending a recognition;
- (g) Clause 25 - Effect of revocation, suspension of recognition or expiry of validity of recognised certificate;
- (h) Clause 26 - Director may renew recognition of certification authority; and
- (i) Clause 27 - Certification authority may appeal to Secretary against decision of Director.

Part IX of the Bill - General provisions as to recognised certification authorities

3. All provisions in Part IX of the Bill are applicable to a recognised certification authority, i.e.

- (a) Clause 30 - Publication of issued and accepted certificates;
- (b) Clause 31 - Recognised certification authority to use trustworthy system;
- (c) Clause 32 - Presumption as to correctness of information;
- (d) Clause 33 - Representations upon issuance of recognised certificate;
- (e) Clause 34 - Representations upon publication of recognised certificate;
- (f) Clause 35 - Reliance limit;
- (g) Clause 36 - Liability limits for recognised certification

authorities;

- (h) Clause 37 - Audit of performance of recognised certification authorities; and
(The reference to "audit" will be deleted in the Committee Stage Amendments.)
- (i) Clause 38 - Recognised certification authority to issue a certification practice statement.

Part XI of the Bill - Provisions as to secrecy, disclosure and offences

4. All provisions in Part XI of the Bill are applicable to a recognised certification authority, i.e. -

- (a) Clause 41 - Obligation of secrecy;
- (b) Clause 42 - False information; and
- (c) Clause 43 - Other offences.

B. Code of Practice

5. All provisions in the code of practice for recognised certification authorities to be issued under Clause 39 of the Bill by the DITS are applicable to a recognised certification authority, including the Postmaster General.

Information Technology and Broadcasting Bureau

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