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# Electronic Signatures

*General information*

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## **Disclaimer**

*This document and the web pages of OPTA are carefully formulated. OPTA reserves the rights to any of these texts. If you need to have certainty about regulations, decisions or formulations you are to consult the original documents.*

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## Preface

This document contains general information about electronic signatures and the supervision of the Independent Post and Telecommunications Authority (OPTA). At the moment, not all information on the OPTA website is available in English. In the future more information in the English language will be added to the OPTA website and to this document.

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## Introduction

To be able to provide electronic commerce services (e-commerce and e-government) it is important to the service provider that electronic messages are trustworthy. "How can I tell that one who orders ten thousand articles is the person he claims to be? And how can I tell if he really did order ten thousand articles?" Trust in electronic messaging can be obtained using an *electronic signature*.

In May 2003 the Dutch government has established the Electronic Signatures Act, the Decision on Electronic Signatures and a Regulation on Electronic Signatures, making the electronic signature, which is legally compliant with a list of requirements, equal to a handwritten signature.

This electronic signature is accompanied by a certificate, which is a digital file and which is attached to the electronic message. Such a certificate is issued by a Certification Service Provider (CSP) also known as a Trusted Third party (TTP).

## Supervision by OPTA

By virtue of the Telecommunications Act, the Independent Post and Telecommunications Authority (OPTA) lists every CSP who is established in the Netherlands and who offers or issues qualified (i.e. compliant with certain requirements) certificates to the public. This supervision also entails that such a CSP is legally obliged to register at OPTA. A registration form can be obtained at the bureau of OPTA (<http://www.opta.nl/>). OPTA maintains a public register of all registered CSP's. Legislation requires a low threshold registration, meaning that OPTA does not conduct an assessment before registration. However, the CSP is to produce adequate evidence of compliance with the legal requirements. After registration,

OPTA monitors the CSP's compliance with the legal requirements. If the CSP does not comply, OPTA will take measures.

If you assume that a certain CSP offering qualified certificates, does not comply with the legal requirements, you can report this to the bureau of OPTA, department of Numbering and Registrations, contact Mr. Sander Woutersen, telephone number +31 70 315 35 00, mail [ttp@opta.nl](mailto:ttp@opta.nl).

A CSP who is registered at OPTA is naturally compliant with the legal requirements. We stress the fact that registering at OPTA does not entail that OPTA guarantees the quality of the CSP. OPTA is therefore not liable for any damage caused by third persons who attribute such value to the registration.

## Frequently Asked Questions

### 1. When do I have to register at OPTA as a Certification Service Provider?

Certification Service Providers who

- are established in the Netherlands and who
- offer or issue qualified certificates for electronic signatures to the public

are obliged to register at OPTA. If any of these three conditions are not met, then there is no registration obligation.

### 2. Which certificate providers does OPTA supervise?

OPTA is exclusively authorized to keep under review certification service providers who issue qualified certificates to the public. For now there is no supervision of certification service providers offering other types of certificates.

### 3. What is a 'qualified' certificate?

A certificate is qualified when it complies with the requirements stipulated in the Electronic Signatures Act, the Decision on Electronic Signatures and the accompanying Regulation on Electronic Signatures.

### 4. What does providing "to the public" mean?

The certification service provider who does not wish to offer certificates to the public, will have to answer the following questions affirmatively:

- Will the certificate be issued to a limited number of people?
- Will the certificate be used exclusively for these people?
- Are these restrictions mentioned in the certificate?
- Does the certificate service provider exclude liability for using the certificate outside the restrictions mentioned in the certificate?
- Are the restrictions mentioned in the agreement between the certification service provider and the user of the certificate (signatory) ?
- Will the certificate service provider do anything to prevent the signatory from using the certifications outside the restrictions (for example by taking certain measures as to making it technically impracticable to use the certificate outside the restrictions mentioned)?

If not all questions can be answered affirmatively the CSP can be considered as a provider of certificates to the public.

**5. How do I register at OPTA as a certification service provider?**

You are to apply for a registration at OPTA using a registration form which can be obtained at the bureau of OPTA (contact: Mr. Sander Woutersen, telephone number 070-315 35 00, mail at [s.woutersen@opta.nl](mailto:s.woutersen@opta.nl)). This form can also be downloaded from the OPTA website.

**6. How can a registration be terminated?**

Basically the certification service provider requests the termination or alteration of its registration. OPTA is authorized to revoke a registration if a certification service provider does not comply with the requirements (anymore). By virtue of the Telecommunications Act the certification service provider is no longer authorized to provide qualified certificates to the public. Terminations and alterations are recorded in the public register.

**7. What does OPTA do with the registration data of a registered certification service provider?**

OPTA keeps a file of every registered certification service provider. All data are recorded at the time of the registration. Expectations are that OPTA will ask all registered parties to update these data on a yearly basis.

**8. What do I have to do when I have certain indications that a certification service provider does not comply with the legal requirements?**

OPTA keeps under review the compliance of the legal requirements by the certification service provider. If you suspect that a certain CSP does not meet the legal qualifications, although it provides qualified certificates, we request you to report this to OPTA, department of Numbering and Registrations. Contact: Mr. Sander Woutersen, telephone number +31 70 315 35 00, [ttp@opta.nl](mailto:ttp@opta.nl).

**9. Can I file a complaint with OPTA about the service of a CSP?**

No. Complaints on the service of a CSP are to be filed with the CSP concerned.

**10. Is there a seal of approval for certification service providers?**

In the course of 2003 the Minister for Economic Affairs will assign certification authorities which can issue seals of approval to certification service providers. The TTP.NL outline can be used for issuing a seal of approval the certification authorities to check whether the CSP complies with all security and quality requirements for providing signature services. The TTP.NL outline was established by the government in cooperation with market parties and independent experts. The outline is maintained by the E-commerce platform Nederland (ECP.NL).