

GUIDELINES ON SUBMISSION OF APPLICATION FOR ACCREDITATION OF CERTIFICATION AUTHORITY

1. INTRODUCTION

- 1.1 In electronic transactions performed over an open network such as the Internet, there is a need for the transacting parties to have assurance on each others' identities. There is also a need to ensure that the electronic transactions are reliable and have not been tampered with. Public key technology allows transacting parties in an electronic environment to authenticate each other's identities and ensure non-repudiation of electronic transactions through the use of digital signatures.
- 1.2 A certification authority ("CA") acts as a trusted party to facilitate the confirmation of the relationship between a public key and a named entity. The CA issues digital certificates that can be used for authentication and digital signatures. The CA also performs certificate management services such as publication and revocation of digital certificates.
- 1.3 In July 1998, the Electronic Transactions Act ("ETA") was enacted to provide for, among other things, a legal foundation for digital signatures and a regulatory framework for CAs in Singapore. The Electronic Transactions (Certification Authority) Regulations ("ETR"), enacted shortly after the ETA, set out further details of the CA regulatory framework. The Director-General (Telecoms & Post)¹ was appointed under the ETA and ETR as the Controller to license, certify, monitor and oversee the activities of CAs.
- 1.4 The CA regulatory framework under the 1998 ETA included a voluntary licensing scheme for CAs. In July 2010 and November 2010 respectively, the ETA and ETR were amended and updated and, as part of the amendments, the licensing scheme was replaced with an accreditation scheme to better reflect its voluntary nature. The Director-General (Telecoms and Post) has been re-appointed as the Controller and oversees the accreditation of CAs (among other things).
- 1.5 These Guidelines contains general information and is intended to guide interested parties in applying to be an accredited CA under the ETA and ETR.

2. GENERAL REGULATORY FRAMEWORK FOR CAS

- 2.1 The regulatory framework for CAs is governed by:
 - a. the ETA²;
 - b. the ETR;
 - c. orders (if any) made by the Minister under the ETA³;
 - d. any requirements of the Controller imposed from time to time in accordance with the ETA and ETR; and

¹ At the time of appointment, the Director-General (Telecoms & Post) was known as the Director-General (Telecoms).

² In particular, but not limited to, Parts IV and VII, and the Third Schedule, of the ETA.

³ As of [date], no orders have been made.

- e. the Compliance Audit Checklist set out on the Controller's website⁴.
- 2.2 Under this regulatory framework, entities do not need to be accredited in order to provide CA services. However, non-accredited CAs will still need to comply with some basic duties and obligations. These duties and obligations are mainly contained in the Third Schedule of the ETA, and include duties and obligations pertaining to the issuance, suspension, revocation and publication of its certificates⁵.
- 2.3 While it is not compulsory for CAs to obtain accreditation under the ETA and ETR, CAs may desire to do so to enjoy the legal benefits accorded to accredited CAs. These include limitations on the CA's liability⁶, and various evidentiary presumptions relating to the security of digital signatures generated from the certificates issued by the CA⁷. There is no restriction on the number of CAs that can be accredited under the ETA and ETR.
- 2.4 Accredited CAs will nonetheless need to comply with additional duties and obligations under the ETA and ETR⁸, which include undergoing audits prior to each term of accreditation (of 2 years), and more stringent requirements as to the issuance, suspension, revocation and publication of its certificates (compared to the requirements applicable to non-accredited CAs). Accordingly, the accreditation of a CA would serve to indicate to the public that the CA has met the higher standards required of accredited CAs, and that its services may generally be considered to be more trustworthy.

3. ACCREDITATION/RENEWALS OF ACCREDITATION

Accreditation Procedure, Fees and Duration

- 3.1 CAs who desire accreditation under the ETA and ETR will need to submit a duly completed application form to the Controller of Certification Authorities, along with all documents and information requested in the form. Application forms can be obtained from the Controller by writing to the particulars set out in paragraph 4.1 below. The Controller reserves the right to reject applications that are incomplete.
- 3.2 An application fee of **One Thousand Singapore Dollars (S\$1000)** is payable for each application for accreditation.
- 3.3 For the avoidance of doubt, accreditations will not be granted automatically upon application. The grant of an accreditation may be refused by the Controller in accordance with the ETA and ETR.
- 3.4 Upon notification that its application for accreditation is successful, the CA must pay a separate accreditation fee of **One Thousand Singapore Dollars (S\$1000)**, failing which the Controller reserves the right not to grant the accreditation.

⁴ At <http://www.cca.gov.sg>.

⁵ See, in particular (but without limitation), paragraphs 12 to 20 of the Third Schedule of the ETA.

⁶ See paragraph 11 of the Third Schedule of the ETA.

⁷ See sections 17 to 19 of the ETA, and paragraphs 2 to 4 of the Third Schedule of the ETA.

⁸ See the ETR in general.

- 3.5 The accreditation granted by the Controller will remain valid for a period of **two (2) years**, subject to any earlier cancellation by the Controller in accordance with the ETA and ETR.

Renewal Procedure, Fees and Duration

- 3.6 Accredited CAs desiring to renew their accreditations will need to submit a duly completed application form to the Controller of Certification Authorities, along with all documents and information requested in the form. Application forms can be obtained from the Controller by writing to the particulars set out in paragraph 4.1 below. The Controller reserves the right to reject applications that are incomplete.
- 3.7 There is no renewal application fee for renewal applications that are submitted at least three (3) months prior to the expiry of the then-current accreditation. Any application for renewal made less than 3 months before the expiry of the then-current accreditation will be deemed to be a new application for accreditation and the application fee in paragraph 3.2 will be payable.
- 3.8 For the avoidance of doubt, renewals of accreditation will not be granted automatically upon application. The renewal of an accreditation may be refused by the Controller in accordance with the ETA and ETR.
- 3.9 Upon notification that its application for renewal of accreditation is successful, the CA must pay a separate accreditation renewal fee of **One Thousand Singapore Dollars (S\$1000)**, failing which the Controller reserves the right not to renew the accreditation.
- 3.10 Each renewal granted by the Controller will remain valid for a period of **two (2) years**, subject to any earlier cancellation by the Controller in accordance with the ETA and ETR.

Method of Payment

- 3.11 All payments to the Controller should be made by interbank transfer to:

Account Name:	Info-communications Development Authority of Singapore
Bank Name:	Overseas-Chinese Banking Corporation Ltd
Branch Code:	7339/501
Account No:	501-826481001

No Refund

- 3.12 There will not be any refund of any application fee or accreditation fee or accreditation renewal fee (whether on a pro-rated basis or otherwise) if the application is unsuccessful, withdrawn or discontinued, or if the accreditation is cancelled or suspended.

4. CORRESPONDENCE/ENQUIRIES

- 4.1 Requests for application forms for accreditation/renewal of accreditation, and enquiries concerning the application procedure or the CA accreditation and regulatory framework, should be made in writing and directed to:

The Controller of Certification Authorities
c/o Infocomm Development Authority of Singapore
10 Pasir Panjang Road
#10-01 Mapletree Business City
Singapore 117438
Attention: Deputy Director-General (Telecoms & Post)

- 4.2 The Controller may send/serve to the CA any notice or other document under and/or relating to the ETA and/or ETR:
- a. by delivering it to the secretary or other officer of the CA;
 - b. by leaving it at, or by sending it by pre-paid post to, the registered office or a principal office of the CA in Singapore.

5. IMPORTANT NOTICES

- 5.1 **By submitting an application for accreditation/renewal of accreditation, you acknowledge and agree to the following:**

- a. **This document is not a substitute for legal advice. While effort has been made to provide an accurate account of the accreditation regime for CAs, the ETA and ETR are the authoritative texts on the subject. In the event of any conflict between the provisions of this document and the provisions of the ETA and/or ETR, the provisions of the ETA and/or ETR (as relevant) will prevail. Interested parties desiring to be accredited CAs are strongly advised to seek independent legal advice based on their particular circumstances.**
- b. **The provisions contained in these Guidelines are advisory. They do not impose any binding legal obligations on the Controller or any private party. Specifically, nothing in this document binds the Controller to any particular course of action in relation to the handling of any application for accreditation, or to grant any accreditation to any party. For the avoidance of doubt, and without affecting the generality of the foregoing:**
 - i. **the grant of accreditation to any party is at the discretion of the Controller, acting in accordance with the ETA and ETR; and**
 - ii. **the Controller has the right to reject any application that is in non-compliance with the requirements of the ETA and the ETR.**
- c. **The Controller reserves the right to disclose the identity of any party who has submitted an application for accreditation. All other information received will be treated in confidence.**

- d. The Controller reserves the right to review, amend or add to this document without prior notice to any party.**