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GENERAL NOTICE

Communications, Department of

General Notice

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GENERAL NOTICE

NOTICE 1891 OF 2004

DEPARTMENT OF COMMUNICATIONS

NOTICE INVITING COMMENT ON PROPOSED CRYPTOGRAPHY REGULATIONS DRAFTED IN TERMS OF THE ELECTRONIC COMMUNICATIONS AND TRANSACTIONS ACT, 2002 (ACT NO. 25 OF 2002)

The Minister of Communications intends to make the regulations in the Schedule in terms of section 94 read with Chapter V of the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002).

Interested persons are hereby invited to furnish comments on the proposed regulations, within 30 days of the date of publication of this notice at any of the following addresses:

For attention: Alf Wiltz
Legal Adviser
Department of Communications;

post to: Private Bag X860
Pretoria
0001;

or deliver to: First Floor, Block B
iParioli Office Park
399 Duncan Street
Hatfield, Pretoria;

or fax to: (012) 4278093;

or e-mail to: alf@doc.gov.za

Please note that comments received after the closing date may be disregarded.

Mr. Wiltz can be reached at tel. (012) 4278070/ 8217 for any enquiries.

Schedule

**REGULATIONS UNDER THE ELECTRONIC COMMUNICATIONS AND
TRANSACTIONS ACT****CRYPTOGRAPHY REGULATIONS****Definitions**

1. In these Regulations, any word or expression to which a meaning has been assigned by the Act shall have the meaning so assigned and, unless the context indicates otherwise -

"certification practice statement" means a statement issued by a certification service provider to specify the practices that it employs in generating and issuing certificates;

"certificate policy" means a named set of rules that indicates the applicability of a certificate to a particular community or class of application or to both such community and class, as the case may be, with common security requirements;

"the Act" means the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002);

"trusted personnel" means any persons who have direct duties or responsibilities for the day-to-day operations, security or performance of those business activities relating to cryptography products or services or any part thereof that are regulated under the Act or these regulations.

Particulars to identify and locate cryptography providers or their products or services

2. In addition to the information provided in section 29 of the Act, an application for registration shall contain the following particulars:

(a) Particulars to identify and locate the cryptography provider-

(i) telephone and fax number, web site and e-mail address;

(ii) the constitutive documents of the applicant meaning, in the case of a legal person, certified copies of the Memorandum and Articles of Association, certificate of incorporation, founding statement, partnership agreement or trust deed, as the case may be; a natural person, a certified copy of his or her ID book or passport;

(iii) detailed profiles of trusted personnel of the applicant that have supervisory or managerial responsibilities;

- (b) particulars to identify and locate the cryptography provider's products or services-
- (i) physical address where a cryptography product is or will be produced, manufactured, created or distributed from;
 - (ii) physical address where a cryptography service is or will be rendered, delivered, sold, made available or distributed from;
 - (iii) full details of operations outsourced or to be outsourced;
 - (iv) the privacy and security policy to be followed by the applicant in its operations;
 - (v) name, address and contact details of the supplier of a cryptography product or service;
 - (vi) name, address and contact details of customers to whom a cryptography product was delivered, sold, made available or distributed to directly or a service was rendered in the preceding six months;
 - (vii) if the cryptography provider is a certification service provider, its certification practice statement and certificate policy;
- (c) the particulars in section 29 of the Act and sub-regulation (a), to identify and locate an entity to whom operations have been or will be outsourced;
- (d) the particulars in section 29 of the Act and sub-regulation (a), to identify and locate a cryptography provider that provides encrypted bugging and debugging equipment.

Manner of furnishing required information

3. (1) An application for registration in terms of the Act shall be made to the Director-General by completing and submitting the application form contained in Annexure A together with the other information required in terms of the Act and this regulation to the Director-General or the official in the department designated for that purpose, and shall be accompanied by the administrative fee determined in regulation 4.
- (2) A cryptography provider shall inform the Director-General or the official in the department designated for that purpose in the Department of any changes in the information submitted in or with the application within 30 days of such change.
- (3) The particulars in sub-regulation 2(b)(vi) should be submitted to the Director-General or the official in the department designated for that

purpose in the Department on a bi-annual basis on 1 January and 1 July of each year.

Fees payable

4. (1) The administrative fee payable by a cryptography provider who registers with the Director-General is as follows:
 - (a) Application fee: R100.00;
 - (b) annual administrative fee per product or service: R200.00;
- (2) Fees payable to the Director-General shall be paid directly into the Department's bank account and proof of payment provided with the application for registration.
- (3) Save for the application fee that is payable upon application, the annual administrative fee shall be payable on or before 31 January of each year.

Annexure A**Department of Communications
Application Form: Registration as Cryptography Provider**

(Where insufficient space for recording of information, the rest of the information should be marked as Annexures, annexed to the application form and referred to in the appropriate space)

Full name of applicant:	
Street address:	
Postal address including postal code:	
Telephone number including area code:	
Facsimile number:	
Cellular telephone number:	
Web site and e-mail address:	

Detailed description of type of cryptography service and/or product:	
The following constitutive documents of the applicant are Annexed to this application:	
Detailed profiles of trusted personnel of the applicant that have supervisory or managerial responsibilities:	
Physical addresses where cryptography product is or will be produced, manufactured, created or distributed from:	
Physical address where cryptography service is or will be rendered, delivered, sold, made available or distributed from:	
Full details of operations outsourced or to be outsourced:	
Particulars in section 29 of the Act and sub-regulation (a), to identify and locate an entity to whom operations have been or will be	

outsourced:	
The privacy and security policy to be followed by the applicant in its operations:	
Certification practice statement and certificate policy if applicable:	
Name, address and contact details of customers to whom a cryptography product was delivered, sold, made available or distributed to directly or a service was rendered in the preceding six months	
NAME (PRINT)	
SIGNATURE	
DATE	
CAPACITY	

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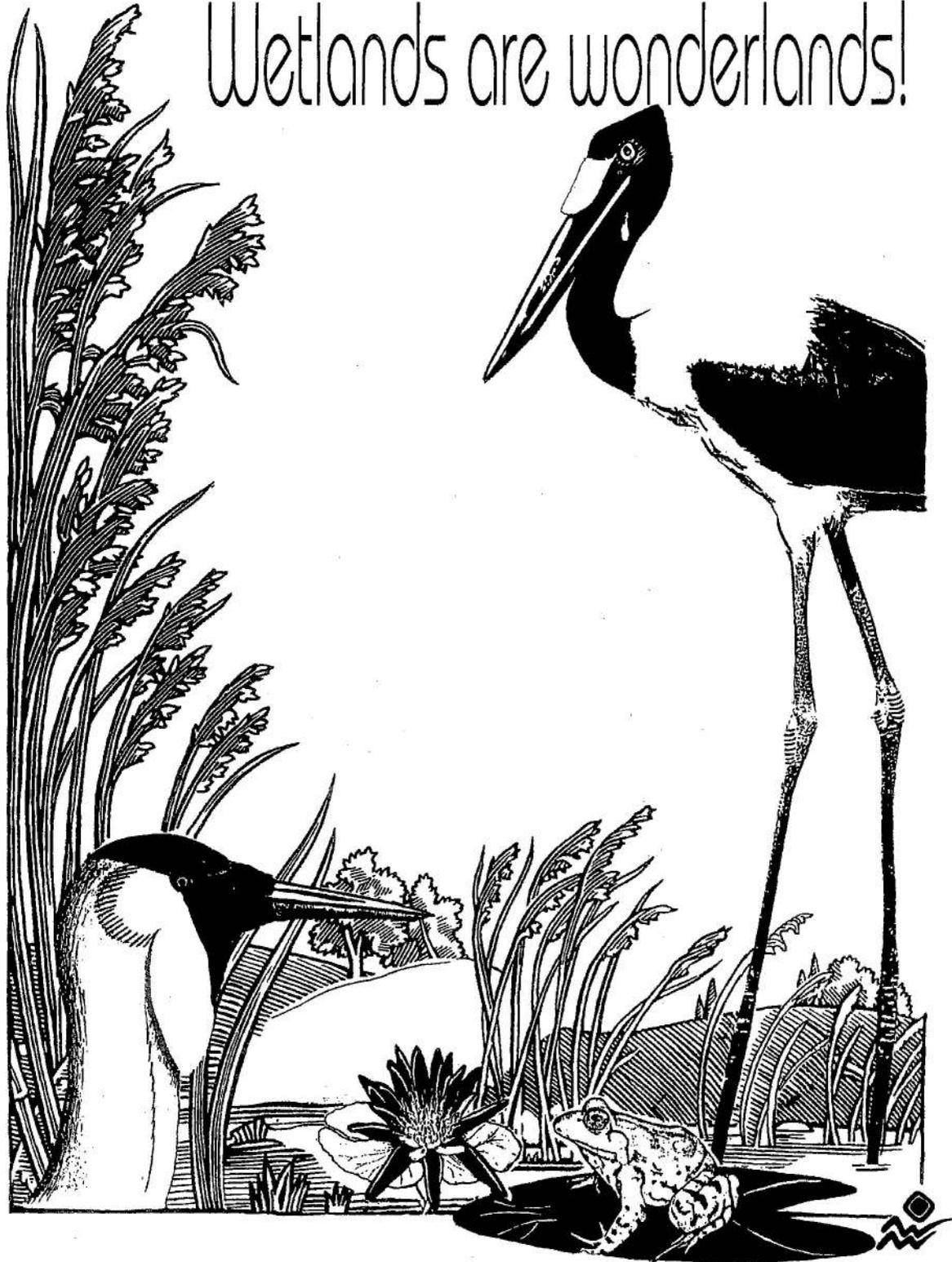
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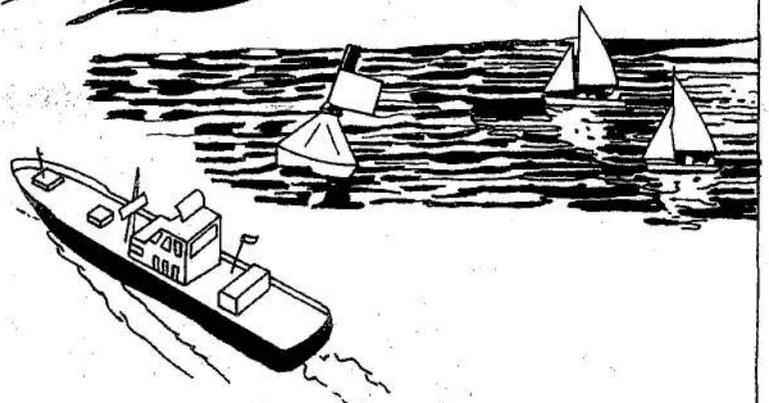
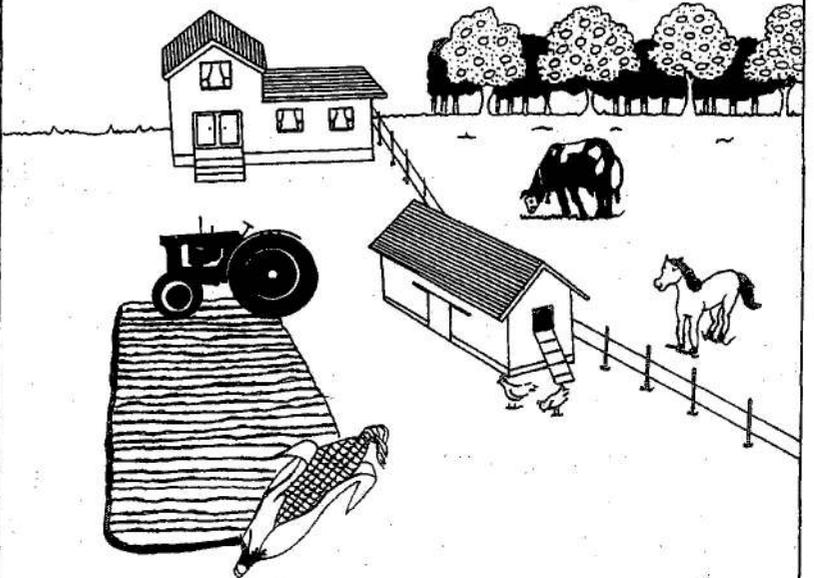
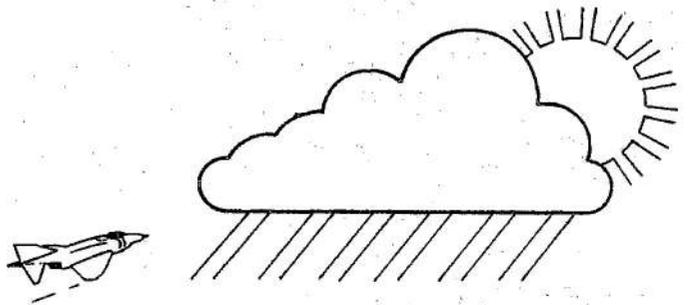
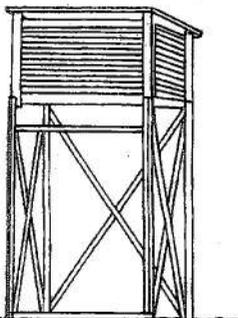
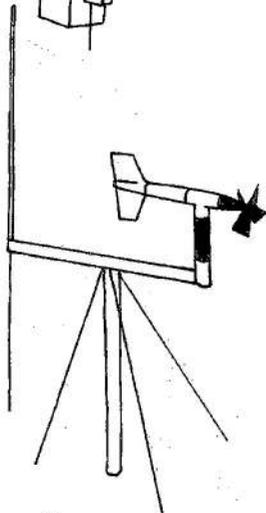
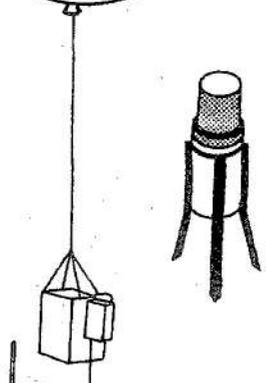
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