

## Enforcement Decree

[Enforcement April 5, 2011] [Act No.22846, April 5, 2011, Partial Amendment]

### Article 1 (Purpose)

The purpose of this Decree is to prescribe the matters delegated by the Digital Signature Act and the matters necessary for the enforcement thereof. <Amended on February 4, 2010>

### Article 2 (Criteria for Designating Certification Authorities)

(1) Any entity that desires to be designated as a licensed certification authority in accordance with Article 4(3) of the Digital Signature Act (hereinafter the "Act") shall satisfy the following requirements regarding technical and financial capabilities, facilities and equipment and other necessary matters; Provided that if the entity is a central government agency or a local government agency, the financial capability requirements described in Subparagraph 2 below shall apply: <Amended on February 29, 2008 and February 4, 2010>

1. Technical capability: At least 12 workers are required for operating facilities and equipment used for authorized certification services (hereinafter "certification services"), and the workers shall have following qualifications:
  - a. Government-issued license for technical abilities, equal to or higher than licensed information and communication engineer, information processor or computer architecture application engineer, or equivalents to such technical abilities as acknowledged by the Minister of Public Administration and Safety;
  - b. Work experience of at least 2 years in the field of information security or operation and management of information and communication as established and announced by the Minister of Public Administration and Safety; and
  - c. Completion of the training courses on the operation of facilities and equipment used for certification services, recovery measures for emergencies and countermeasures against infiltration provided by the Korea Internet & Security Agency pursuant to Article 52 of the Act on Promotion of Utilization of Information and Communication Network and Information Security;
2. Financial capability: Capital of at least Eight Billion (8,000,000,000) Won;
3. Facilities and equipment: Each of the following facilities is required:
  - a. The facility necessary for managing registered information on subscribers;
  - b. The facility necessary for creating and managing digital signature creating key and digital signature verifying key ;
  - c. The facility necessary for creating, issuing and managing authorized certificates;
  - d. The facility necessary for confirming the moment when an electronic message was submitted to the licensed certification authority;
  - e. The protective facility necessary for safely operating facilities and equipment used for certification services; and
  - f. The facility provided by the licensed certification authority to its subscribers

in connection with certification services.

4. Internal regulations prescribing the procedures and methods of management and operation of the facilities listed in Subparagraph 3.a to e.

(2) The details regarding the facilities and equipment and the internal regulations mentioned in Paragraph (1)-3 and 4 of this Article shall be established and announced by the Minister of Public Administration and Safety. <Amended on February 29, 2008>

[This Article wholly amended on June 10, 2002]

### **Article 3 (Procedure for Designating Certification Authorities)**

(1) Any entity that desires to be designated as a licensed certification authority in accordance with Article 4 of the Act shall submit an application (including an application in electronic format) in the prescribed form accompanied with the following documents to the Minister of Public Administration and Safety: <Amended on March 17, 2004, June 12, 2006, February 29, 2008 and February 4, 2010>

1. Standard certificate of the representative and officers of the entity;
2. Articles of incorporation;
3. Documents proving that the entity satisfies the requirements regarding the technical and financial capabilities, facilities and equipment and other necessary matters under Article 2(1) hereof;
4. Business Plan.

(2) When an application is submitted pursuant to Paragraph (1) of this Article, the Minister of Public Administration and Safety shall examine: <Amended on February 29, 2008>

1. Whether the applicant satisfies the requirements regarding the technical and financial capabilities, facilities and equipment and other necessary matters under Article 2(1) hereof; and
2. If the applicant is a corporation, whether it falls under any of disqualifications under Article 5 of the Act.

(3) If deemed necessary in the course of examination under Paragraph (2) of this Article, the Minister of Public Administration and Safety may demand the applicant to submit information or make comments. <Amended on February 29, 2008>

(4) If the examination under Paragraph (1) of this Article finds that the applicant meets all requirements under the same Paragraph, the Minister of Public Administration and Safety shall issue a designation letter to the applicant. <Amended on February 29, 2008>

(5) When it designates a central government agency or a local government agency as a licensed certification authority, the Minister of Public Administration and Safety shall consult with the heads of the relevant authorities in advance. <Amended on February 29, 2008>

(6) The Minister of Public Administration and Safety shall announce the designation of the licensed certification authority as provided by Ordinance of the Ministry. <Amended on February 29, 2008>

(7) When an application is submitted pursuant to Paragraph (1) of this Article, the

Minister of Public Administration and Safety shall verify the commercial registry of the applicant through the shared use of administrative information under Article 36(1) of the Electronic Government Act. <Newly inserted on June 12, 2006, July 17, 2008, February 4, 2010, May 4, 2010>

1. *deleted* <February 4, 2010>
2. *deleted* <February 4, 2010>

[This Article wholly amended on June 10, 2002]

#### **Article 3-2 (Validity of Designation, etc.)**

The designation of licensed certification authority shall be valid for Three (3) years from the date of designation. <Amended on July 17, 2008>

[This Article wholly amended on June 10, 2002]

#### **Article 3-3 (Renewal of Designation)**

(1) For renewing a designation, the licensed certification authority shall submit an application for renewal (including an application in electronic format) in the prescribed form accompanied by the following documents to the Minister of Public Administration and Safety at least Thirty (30) days before the expiry of the designation: <Amended on March 17, 2004, June 12, 2006, and February 29, 2008>

1. Documents listed in Article 3(1) hereof; and
2. Document proving the conduct of regular checks during the period of designation or renewed designation.

(2) Upon receipt of an application for renewal in accordance with Paragraph (1) of this Article, the Minister of Public Administration and Safety shall examine: <Amended on February 29, 2008>

1. Whether the applicant has filed reports in good faith on the establishment of the rules for certification services or any changes thereto pursuant to Article 6 of the Act;
2. Whether the applicant has undergone regular checks required under Article 19(2) of the Act; and
3. Whether the applicant has otherwise complied with the provisions of the Act and this Decree in good faith.

(3) When the examination under Paragraph (2) of this Article finds that the application meets the requirements under the same Paragraph, the Minister of Public Administration and Safety shall recollect the expiring designation letter from the applicant and issue a new designation letter to the applicant. <Amended on February 29, 2008>

(4) The Minister of Public Administration and Safety shall announce the renewed designation of the licensed certification authority as provided by Ordinance of the Ministry. <Amended on February 29, 2008>

(5) Article 3(7) hereof shall apply *mutatis mutandis* to the procedures for application for renewal of designation under Paragraph (1) of this Article. <Newly inserted on June 12, 2006>

[This Article newly inserted on June 10, 2002]

**Article 3-4 (Announcement of Suspension of Certification Services and Revocation of Designation)**

When suspending certification services or revoking the designation pursuant to Article 12(1) of the Act, the Minister of Public Administration and Safety shall announce the suspension of certification services or revocation of designation, as case may be, as provided by Ordinance of the Ministry. <Amended on February 29, 2008>

[This Article newly inserted on June 10, 2002]

**Article 4 (Independence of Certification Services)**

Any licensed certification authority shall keep independent from its subscribers that use authorized certificates issued by the licensed certification authority in order to carry out its certification services in a safe and reliable manner. <Amended on June 10, 2002>

**Article 4-2 (Offences Subject to Surcharge)**

(1) The offences subject to surcharge under Article 13(2) of the Act and the surcharges to be imposed shall be listed by type in Table 1 attached hereto. <Amended on April 5, 2011>

(2) The Minister of Public Administration and Safety may aggravate or alleviate the surcharge not exceeding 1/2 of the surcharge initially imposed under Paragraph (1) of this Article taking into consideration of the degree and frequency of offence. In such case, the aggravated surcharge shall not exceed Twenty Million (20,000,000) Won in total. <Amended on February 29, 2008>

(3) Any matters necessary for the imposition and payment of surcharge under Paragraphs (1) and (2) of this Article shall be determined by Ordinance of the Ministry of Public Administration and Safety. <Amended on February 29, 2008>

[This Article newly inserted on June 29, 2006]

**Article 4-3** *deleted* <February 4, 2010>

**Article 4-4** *deleted* <February 4, 2010>

**Article 4-5** *deleted* <February 4, 2010>

**Article 4-6** *deleted* <February 4, 2010>

**Article 4-7** *deleted* <February 4, 2010>

**Article 5 (Criteria for Imposition of Fine for Negligence)**

Any fine for negligence under Article 34(1) of the Act shall be imposed in accordance with the

criteria set forth in Table 2 attached hereto.  
[This Article newly inserted on April 5, 2011]

**Article 6** *deleted* <July 17, 2008>

**Addendum** <No. 22846 April 5, 2011>

**Article 1 (Enforcement Date)** This Decree shall enter into force on the date of promulgation.

**Article 2 (Transitional Measures concerning Fine for Negligence)**

- (1) When applying the criteria for imposition of fine for negligence against any offence committed prior to the enactment of this Decree, notwithstanding the amendments to Table 2 attached hereto, the fine shall be imposed in accordance with the existing criteria.
- (2) Any fine imposed against an offence committed prior to the enactment of this Decree shall not be included in the computation of the frequency of offences in accordance with the amended Table 2 attached hereto.