

## **Enforcement Regulations**

[Enforcement April 5, 2011] [Ordinance No. 208 of the Ministry of Public Administration and Safety, April 5, 2011, Partial Amendment]

### **Article 1 (Purpose)**

The purpose of this Rule is to prescribe the matters delegated by the Digital Signature Act (the Act) and the Enforcement Decree thereof and the matters necessary for the enforcement of the Act and the Decree thereof. <Amended on June 30, 2006>

### **Article 2 (Application for Designation as Licensed Certification Authority)**

An application for designation as a licensed certification authority under Articles 3(1) and 3-3(1) of the Enforcement Decree of the Digital Signature Act (the "Decree") shall be in Form 1 attached hereto. <Amended on June 30, 2006>

[This Article wholly amended on July 11, 2002]

**Article 3 (Designation Letter of Licensed Certification Authority)** The designation letter of licensed certification authority under Articles 3(4) and 3-3(3) of the Decree shall be in Form 2 attached hereto. <Amended on July 11, 2002>

### **Article 4 (Consultation)**

When designating a central government agency or a local government agency as a licensed certification authority pursuant to Article 3(5) of the Decree, the Minister of Public Administration and Safety shall consult the Director of the National Intelligence Service to decide whether the designation is in line with the national security policy. <Amended on July 11, 2002>

### **Article 4-2 (Announcement of Designation as Licensed Certification Authority, Etc.)**

The announcement of designation of licensed certification authority under Article 3(6) of the Decree, renewal of designation of certification authority under Article 3-3 of the Decree or suspension of licensed certification services ("certification services") or revocation of designation under Article 3-4 of the Decree shall be made by posting in the Official Gazette:

1. When designating a certification authority or renewing the designation:
  - a. Name and address of the licensed certification authority;
  - b. Date of designation;
  - c. Period of designation; and
  - d. Other necessary matters
2. When suspending certification services or revoking the designation:
  - a. Name and address of the licensed certification authority subject to the disposition;

- b. Type of disposition;
- c. Date of disposition;
- d. Suspension period of certification services (only in case of suspension of certification services); and
- e. Other necessary matters.

[This Article newly inserted on July 11, 2002]

**Article 5 (Report Period for Change in Rules for Certification Services )**

Any change in the rules for certification services shall be reported pursuant Article 6(2) of the Digital Signature Act (the "Act") at least Fifteen (15) days before certificate services are carried out according to the changed rules for certificate services. <Amended on June 30, 2006>

[This Article wholly amended on July 11, 2002]

**Article 6 (Report on Acquisition or Merge, Etc.)**

(1) Any person that wishes to file a report on the acquisition of certification services from a licensed certification authority pursuant to Article 9(1) of the Act shall file the report (including the report in electronic format) in Form 3 attached hereto and accompanied by the following documents (including such documents in electronic format) with the Minister of Public Administration and Safety within Fifteen (15) days from the date of acquisition: <Amended on July 11, 2002, July 6, 2004, June 30, 2006 and March 4, 2008>

1. Copy of the acquisition agreement;
2. Articles of incorporation of the assignee; and
3. Business plan after the acquisition.

(2) Any person that wishes to file a report on the merge with a licensed certification authority pursuant to Article 9(1) of the Act shall file the report (including the report in electronic format) in Form 4 attached hereto and accompanied by the following documents (including such documents in electronic format) with the Minister of Public Administration and Safety within Fifteen (15) days from the date of merge: <Amended on July 11, 2002, July 6, 2004, June 30, 2006 and March 4, 2008>

1. Copy of the merge agreement;
2. Articles of incorporation of the merging entity; and
3. Business plan after the merge.

(3) The public service worker receiving the report in accordance with Paragraph (1) or (2) of this Article shall verify the commercial registry of the assignee or the merging entity, as the case may be, through the shared use of administrative information pursuant to Article 21(1) of the Act on Promotion of the Digitalization of Administrative Affairs, etc. for Creation of Electronic Government; Provided that the reporting entity shall submit the certified copy of its commercial registry if it disagrees to the verification procedure. <Newly inserted on June 30, 2006>

(4) The Minister of Public Administration and Safety shall announce any acquisition of certification services or merge of a licensed certification authority. <Amended on July 11, 2002, June 30, 2006 and March 4, 2008>

[The heading amended on July 11, 2002]

**Article 7 (Report on Cessation and Closure of Certification Services)**

Any person that wishes to file a report on the cessation or closure of certification services in accordance with the beginning part of Article 10(1) or Article 10(2) of the Act shall file the report (including the report in electronic format) in Form 5 attached hereto and accompanied by the following documents (including such documents in electronic format) with the Minister of Public Administration and Safety: <Amended on July 11, 2002>

1. *deleted*; <July 11, 2002>
2. A copy of the transition agreement with the licensed certification authority that has received certificates of subscribers and records of suspension and revocation of certification services ("subscriber certificates, etc.") (only in case of closure);
3. Any documents proving the notification of cessation or closure of certification services to subscribers; and
4. Designation letter of certification authority (only in case of closure).

[The heading amended on July 11, 2002]

**Article 8 (Report on Reasons for Non-Transfer of Subscriber Certificates, Etc.)**

In case the assignor licensed certification authority cannot transfer subscriber certificates, etc. to the assignee licensed certification authority in accordance with the proviso to Article 10(3) or the proviso to Article 12 of the Act, the assignor licensed certification authority shall submit a written statement (including such statement in electronic format) setting forth the reasons for the non-transfer of subscriber certificates, etc. and the list of subscriber certificates, etc. to be transferred (including such list in electronic format), both in Form 6 attached hereto, to the Minister of Public Administration and Safety. <Amended on July 11, 2002>

[The heading amended on July 11, 2002]

**Article 9 (Administrative Disposition)**

- (1) The suspension of certification services and the revocation of designations referred to in Article 12(1) of the Act shall be in accordance with the criteria set forth in Table 1 attached hereto. <Amended on July 11, 2002>
- (2) When suspending certification services or revoking a designation of licensed certification authority in accordance with Article 12(1) of the Act, the Minister of Public Administration and Safety shall notify the relevant licensed certification authority in writing of the suspension or revocation. <Amended on July 11, 2002>

and March 4, 2008>

**Article 10 (Applicable Provisions)**

- (1) The provisions in Article 6(3) hereof shall apply *mutatis mutandis* to:
1. Cessation or closure of certification services in accordance with Article 7 hereof.
  2. *deleted*; <Amended on July 11, 2002>
  3. Transfer of subscriber certificates, etc. under the main text of Article 10(3) and the main text of Article 12(2) of the Act.
- (2) *Deleted* <Amended on July 11, 2002>

**Article 11** *deleted* <June 30, 2006>

**Article 12 (Imposition and Payment of Surcharges)**

- (1) When imposing a surcharge in accordance with Article 13(1) of the Act, the Minister of Public Administration and Safety shall give the offender a notice in Form 7 hereto setting forth the type of offence and the amount of surcharge imposed and ordering the payment of such surcharge. <Amended on July 11, 2002 and March 4, 2008>
- (2) Any person that receives the notice under Paragraph (1) of this Article shall pay the surcharge to such a receiving institution designated by the Minister of Public Administration and Safety within Twenty (20) days from the receipt date of notice; Provided that if the person is prevented from paying the surcharge within the said period due to natural disasters or other unavoidable event, the person shall pay the surcharge within Seven (7) days from the day on which such event ceases to exist. <Amended on March 4, 2008>
- (3) The institution receiving a surcharge in accordance with Paragraph (2) of this Article shall issue to the payer a receipt of surcharge in Form 7 attached hereto. <Amended on July 11, 2002>
- (4) Upon receipt of a surcharge pursuant to Paragraph (2) of this Article, the receiving institution shall without delay send a notice of surcharge payment in Form 7 attached hereto to the Minister of Public Administration and Safety. <Amended on July 11, 2002 and March 4, 2008>
- (5) A surcharge shall not be paid in installments.

**Article 13 (Reminder and Collection of Surcharge)**

- (1) If the person that receives a notice of surcharge in accordance with Article 12(1) hereof fails to pay the surcharge within the stated period, the Minister of Public Administration and Safety shall send a reminder to the person within Seven (7) days from the expiry of the period. In this case, the person shall pay the surcharge within

Ten (10) days from the receipt date of such reminder. <Amended on March 4, 2008>

(2) If the person that has received a reminder in accordance with Paragraph (1) of this Article fails to pay the surcharge within the stated period, the Minister of Public Administration and Safety may cause its worker to collect the surcharge from the person by force in accordance with the established compulsive collection practices. In this case, the worker shall show proof of the authority delegated to her or him for such compulsory collection to the relevant person. <Amended on March 4, 2008>

#### **Article 13-2 (Standards and Method for Identity Verification)**

(1) When verifying the identity of an applicant for issuance of an authorized certificate pursuant to the end of Article 15(1) of the Act, the licensed certification authority shall do so based on the real name of the applicant as follows: <Amended on June 30, 2006 and March 4, 2008>

1. If the applicant is an individual,
  - a. The name and the resident registration number shown in the individual's record of resident registration; Provided that if the individual resides overseas, the name and the passport number shown in the individual's passport (or if the individual has no passport issued, the name and the registration number shown in the register of overseas residents under the Registration of Korean Nationals Residing Abroad Act); or
  - b. Where the individual is a foreigner, the name and the registration number shown in the individual's record of alien registration under the Immigration Control Act; Provided that if the foreigner has no alien registration card issued, the name and the number shown in the foreigner's passport or ID card; or
2. If the applicant is a corporation (including an unincorporated association deemed as corporation under the Framework Act on National Taxes), The name and the business registration number shown in the corporation's certificate of business registration issued under the Corporate Tax Act; Provided that if the corporation has no certificate of business registration issued, the name and the tax payment number shown in any document stating the tax payment number issued under the Corporate Tax Act; or
3. If the applicant is an organization that is not a corporation, The name of the person representing the organization under Subparagraph 1 of this Paragraph; Provided that if the organization is given an I.D. number under the Value-Added Tax Act or a tax payment number under the Income Tax Act, the name and the I.D. number or tax payment number shown in the document on which such number is given; or
4. If no name or number under Subparagraphs 1 to 3 of this Paragraph is not available, such real name as determined by the Minister of Public

Administration and Safety.

(2) The licensed certification authority shall verify the identity of the applicant for issuance of an authorized certificate by checking the applicant's name against the real name under Paragraph (1) of this Article through in-person contact and verifying the identity through the proof of identity under Article 13-3 hereof; [<Amended on June 30, 2006>](#)

(3) If the applicant for issuance of an authorized certificate is a corporation, the licensed certification authority shall verify the identity of the representative of the corporation in accordance with Paragraph (1)-1 of this Article and Article 13-3, Subparagraph 1 hereof, in addition to the verification under Paragraph (2) of this Article; Provided that if the representative of the corporation is represented by an agent (that shall be an officer or employee of the corporation), the identity of the agent shall be verified through: [<Amended on June 30, 2006>](#)

1. Proof of identity of the agent under Article 13-3, Subparagraph 1 hereof;
2. Power of attorney issued by the representative of the corporation; and
3. Certificate of corporate seal impression of the corporation.

(4) If a subscriber for the electronic banking transaction services, whose real name is verified by a financial institution under Article 2, Subparagraph 1 of the Act on Real Name Financial Transactions and Guarantee of Secrecy, desires to have a licensed certificate issued, the licensed certification authority may use the information and communication network to verify the identity of the subscriber. In such case, the following shall be verified: [<Newly inserted on June 30, 2006>](#)

1. Account ID and the relevant password or the account number and the relevant password of the subscriber for the electronic banking transaction services;
2. Resident registration number of the subscriber for the electronic banking transaction services; and
3. One-time password (including security card password) provided by the financial institution for the subscriber for the electronic banking transaction purposes or any two or more pieces of information solely known to the subscriber.

[\[This Article newly inserted on July 11, 2002\]](#)

#### **Article 13-3 (Proof of Identity)**

The proof of identity shall be used in verifying the identity of the name-holder under Article 13-2(1) hereof as follows: [<Amended on June 30, 2006 and March 4, 2008>](#)

1. If the name-holder is an individual,
  - a. Where the individual is subject to the issuance of resident registration card, the individual's resident registration card; Provided that if the verification through a resident registration card is not possible, any proof or certificate issued by a central government agency or a local government agency or by a school principal under the Elementary and Secondary Education Act or the

Higher Education Act, by which the name can be verified in accordance with Article 13-2(1)-1 hereof;

b. Where the individual is not subject to the issuance of resident registration card, any proof issued by a central government agency or a local government agency or by a school principal under the Elementary and Secondary Education Act or the Higher Education Act, by which the name can be verified in accordance with Article 13-2(1)-1 hereof or a certified copy of the record of resident registration of the individual and a proof within the meaning of Item a of this Subparagraph of the individual's legal representative;

c. Where the individual resides overseas, the individual's passport or overseas resident card; or

d. Where the individual is a foreigner, the individual's alien registration card under the Immigration Control Act; Provided that if no alien registration card is issued, the individual's passport or other proof of identity;

2. If the name-holder is a corporation,

A certificated copy of company or commercial registry of the corporation under the Non-Contentious Case Litigation Procedure Act, a certificate of business registration under the Corporate Tax Act, any document in which a tax payment number is assigned under the Income Tax Act or a copy thereof, a certificate of business registration under the Value-Added Tax Act and any document in which an ID number is assigned or a copy thereof;

3. If the name-holder is an organization that is not a corporation,

Any proof or documents listed in Subparagraph 1 of this Paragraph by which the identity of the representative of the organization can be verified; Provided that if the organization falls under the proviso to Article 13-2(1)-3 hereof, any document in which the tax payment number or an ID number is assigned or a copy thereof; or

4. If the identity cannot be verified in accordance with Subparagraphs 1 to 3 of this Paragraph, such other confirmation or certificate issued by the relevant authorities or such other proof of identity as determined by the Minister of Public Administration and Safety.

[This Article newly inserted on July 11, 2002]

#### **Article 13-4 (Protective Measures)**

(1) The licensed certification authority shall take each of the following protective measures to ensure that the facilities used for certification services shall be secured under Article 18.3 of the Act:

1. Protective measure against electronic infiltration;
2. Access control and other safeguard measures;
3. Preparations for disasters, such as fire and flood; and
4. Other managerial measures for achieving the security of facilities used

for certification services.

(2) Details regarding the protective measures under Paragraph (1) of this Article shall be established and announced by the Minister of Public Administration and Safety. <Amended on March 4, 2008>

[This Article newly inserted on July 11, 2002]

#### **Article 13-5 (Regular Checks)**

(1) The licensed certification authority shall have its facilities and equipment used for certification services checked for the secured operation under Article 19-2 of the Act within Six (6) months from the date of designation as licensed certification authority and once a year thereafter following the date of initial regular check.

(2) Each of the following shall be checked during each regular check under Paragraph (1) of this Article:

1. Compliance with the guidelines for digital signature certification services under Article 8 of the Act; and
2. Performance of any protective measures under Article 13-4 hereof.

[This Article newly inserted on July 11, 2002]

#### **Article 13-6 (Financial Supports)**

(1) If any agency or organization that carries out a project to achieve mutual recognition and common use of digital signatures for and on behalf of the Minister of Public Administration and Safety under the end of Article 26-3(2) of the Act desires to obtain financial supports to apply to the costs of the project, the agency or organization shall submit the project plan and the statement of estimated costs to the Minister of Public Administration and Safety. <Amended on March 4, 2008>

(2) Any agency or organization that obtains financial supports under Paragraph (1) of this Article shall keep and maintain a separate account for such financial supports and shall not use them for any other purposes.

(3) Any necessary matters related to the application procedure, the method of providing supports, and the post-supervision over the use of financial supports under Paragraph (1) of this Article shall be established and announced by the Minister of Public Administration and Safety. <Amended on March 4, 2008>

[This Article newly inserted on July 11, 2002]

#### **Article 13-7 (Pilot Project)**

Pursuant to Article 26-5 of the Act, the Minister of Public Administration and Safety may implement as pilot project: <Amended on March 4, 2008>

1. Trial projects for expanded use of digital signature;
2. Projects for more efficient and effective certification services, including achieving mutual recognition and common use of digital signatures;



3. International cooperative projects for cross-certification of digital signatures;
4. Projects for practical use of digital signature technology; and
5. Other projects for promoting use of digital signature.

[This Article newly inserted on July 11, 2002]

**Article 13-8 (Protective Measures for Subscriber and User)**

The Minister of Public Administration and Safety shall take the following actions to protect subscribers and users in accordance with Article 27-2 of the Act: <Amended on March 4, 2008>

1. To comply with the guidelines on electronic complaints established by the Minister of Public Administration and Safety to ensure that a subscriber's or user's complaint can be promptly addressed; and
2. To promptly notify the licensed certification authority of any complaints received that require actions from the licensed certification authority.

[This Article newly inserted on June 30, 2006]

**Article 14** *deleted.* <April 5, 2011>

**Addendum** <No. 208 April 5, 2011>

This Rule shall enter into force on the date of promulgation.