GOVERNMENT NOTICE
GOEWERMENTSKENNISGEWING

DEPARTMENT OF COMMUNICATIONS
DEPARTEMENT VAN KOMMUNIKASIEWESE

No. R. 216   **10 March 2006**

ELECTRONIC COMMUNICATIONS AND TRANSACTIONS ACT, 2002 (ACT NO. 25 OF 2002)

CRYPTOGRAPHY REGULATIONS

The Minister of Communications has under section 94 of the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002), made the regulations in the Schedule.

Dr. Ivy Matsepe-Casaburri
Minister of Communications

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 in 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 required in section 29 of the Act, an application for registration must -

   (a)   contain the following 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 which are, 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, and in the case of a natural person, a certified copy of his or her ID book or passport, as the case may be;

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

(b)   contain the following 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 cryptography operations outsourced;

(iv)   name, address and contact details of any other cryptography provider that provides a cryptography service or product to the cryptography provider;

(v)   if the cryptography provider is a certification service provider, its certification practice statement and certificate policy;

(c)   contain the particulars required by section 29 of the Act and paragraph (a) of this regulation, to identify and locate an entity to whom cryptography operations have been outsourced;

(d)   contain particulars indicating whether the cryptography provider provides encrypted bugging and debugging equipment.

Manner of furnishing required information

3.   (1)   An application for registration in terms of the Act must be made to the Director-General by completing and submitting the application form contained in the Annexure 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 by the Director-General for that purpose, and must be accompanied by the administrative fee determined in regulation 4.

(2)   A cryptography provider must inform the Director-General or the official in the department designated by the Director-General for that purpose, of any changes in the information submitted in or with the application within 30 days of such change.

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 administration fee: R200.00;

(2)   Fees payable to the Director-General must be paid directly into the Department's bank account and proof of payment must be provided with the application for registration.

(3)   Save for the application fee that is payable upon application, the annual administration fee must be paid on or before 31 January of each year.

Annexure

Department of Communications
Application Form: Registration as Cryptography Provider

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

1. Full name of applicant:	
2. Street address:	
3. Postal address including postal code:	
4. Telephone number including area code:	

5. Facsimile number:	
6. Cellular telephone number:	
7. Web site and e-mail address:	
8. Detailed description of type of cryptography service and/or product:	

9. The following constitutive documents of the applicant are Annexed to this application:	
10. Detailed profiles of trusted personnel of the applicant that have supervisory or managerial responsibilities:	
11. Physical addresses where cryptography product is or will be produced, manufactured, created or distributed from:	
12. Physical address where cryptography service is or will be rendered, delivered, sold, made available or distributed from:	

13. Full details of cryptography operations outsourced:	
14. Name, address and contact details of any other cryptography provider that provides a cryptography service or product to the cryptography provider:	
15. Particulars in section 29 of the Act and regulation 2(a), to identify and locate an entity to whom cryptography operations have been outsourced:	
16. Certification practice statement and certificate policy if applicable:	

17. Whether the cryptography provider provides encrypted bugging and debugging equipment:	
NAME (PRINT):	
SIGNATURE:	
DATE:	
CAPACITY:	