

CERTIFYING AUTHORITY
(CA) LICENSING
GUIDELINES

Version 1.0

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Office of the Controller of Certifying Authorities
Information and communication Technology Division
Ministry of Posts, Telecommunications and Information Technology

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Introduction

The CCA issues Licenses to Certifying Authorities (CA) under section 22 of the ICT Act 2006, after duly processing their applications as provided for under the Act. A Certifying Authority can issue Electronic Signature Certificates only after being duly licensed by the CCA as per provisions of the ICT Act, 2006. Before submitting the application, the CA technical infrastructure of the applicant should be ready.

Overview of the process followed by the office of CCA on receiving application for grant of license to operate as a CA under the ICT Act 2006

1. Check completeness of application and availability of all supporting documents
2. Ensure that Eligibility Criteria are met by the CA
3. Examine the Certification Practice Statement (CPS) submitted by the CA applicant as per the framework provided at Annexure I
4. Appointment of empaneled Auditor by CCA for Audit of CA infrastructure (technical, physical and procedural)
5. Examination of Audit report submitted to CCA by the Auditor
6. Grant of "in-principle" approval by CCA if audit report found satisfactory
7. Submission of Bank Guarantee, Undertaking and Certificate Signing Request to CCA by CA applicant
8. Issuance of Public Key Certificate to the CA applicant by CCA
9. Issuance of Paper License to CA
10. Publishing of CA details on the web-site of CCA

Application Form

An application form can be submitted for obtaining a license to operate as a Certifying Authority (CA) as per section 23 of the ICT Act, 2006.

The Form for application for grant of License to be a Certifying Authority to be submitted to the Controller, has been prescribed under Rule 12 of the IT (CA) Rules 2010 appears at Schedule I under the IT (CA) rules, 2010. The copy of the same is also given in Annexure I of these guidelines. The same form is to be used for applying for renewal of license.

Eligibility Criteria

The eligibility criteria for becoming a CA shall be as per rule 7 of IT (CA) Rules 2010. (Annexure I)

Supporting Documents

Along with the application in the format given in annexure I, an applicant has to submit all the documents that are essential to substantiate the claim for award of license to operate as a CA. It is the responsibility of the applicant to submit all documents required under the ICT Act 2006, Rules, and Regulations.

(i) Company Profile/Experience of Individuals



- (ii) For an individual, proof of capital of tk. 1 crore or more in his business or profession
- (iii) For a company/firm,
 - (a) proof of paid-up capital not less than Tk. 1(one) crore
 - (b) proof of net worth not less than Tk. 100 (hundred) crores
- (iv) Proof of Equity (Proof that equity share capital held in aggregate by any Bangladeshi Individuals or organizations or companies shall be at least 60% of its capital)
- (v) An undertaking to submit Bank Guarantee valid for five years from a scheduled bank for an amount not less than Tk. 25 lakhs in accordance with Rule 10 of the IT (CA) Rules 2010.
- (vi) Crossed cheque or bank draft in favor of Controller, Office of the Controller of Certifying Authorities, for tk. 25,000/- (for fresh application) or tk. 10,000/- (for renewal). Both fees are non-refundable.
- (vii) Certified true copies of the company's incorporation, articles of association etc.
- (viii) Original business profile report with certification from Office of the Registrar of Joint Stock Companies and Firms.
- (ix) Audited accounts for the past 3 years (if applicable).
- (x) The CA's Certification Practice Statement (CPS) as laid down in Annexure I to these Guidelines.
- (xi) Technical specifications of the CA system and CA security policies, standards and infrastructure available/proposed and locations of facilities.
- (xii) Information Technology and Security Policy proposed to be followed by the CA in its operations under rule 19 of IT(CA) rules.
- (xiii) Statement addressing the manner in which the CA shall comply with the requirements stipulated in the ICT ACT, 2006 Rules and Regulations.
- (xiv) Organizational chart and details of all trusted personnel.
- (xv) Date by which the applicant will be ready for the audit to start. The application shall be deemed to have been received on this date for processing purposes.
- (xvi) Date by which commencement of CA operations is proposed. Operations can only commence after due compliance with Rule 20 of IT(CA) rules.
- (xvii) An undertaking by the applicant that they will make payment to the Auditor appointed by the CCA at the rate prescribed by the CCA.

The Controller reserves the right to call for any other information that may be required to process the application.

The application for license to operate as a Certifying Authority, including all supporting documents, must be submitted in duplicate. These should be in the form of two identical sets number 1 and 2.

CPS

The CA Certification Practice Statement (CPS) should state how the PKI component(s) meet the assurance requirements. The CA's Certification Practice Statement (CPS) should be prepared as per the CPS framework laid down in Annexure I to these Guidelines.

Cryptographic site preparation

ICT Act, 2006, IT (CA) Rules 2010, Regulations, Policies and Guidelines aimed at protecting the integrity, confidentiality, and availability of service of Certifying Authority are given in Schedule II and Schedule III respectively. The information on physical site can be seen in CA site preparation Guidelines published on the website.



Terms and conditions for License

A license issued to a CA will be subject to terms and conditions under Section 23 of the ICT Act, 2006. The detailed Terms and Conditions are available under the IT (CA) Rules, 2010.

Processing of an Application

On receipt of an application, the application and supporting documents/information will be examined in the office of the CCA with regard to the financial parameters as well as in respect of the information supplied by the applicant in the CPS and other documents. The financial parameters will be examined by the office of the CCA for compliance with all relevant stipulations in the ICT Act 2006. The remaining information, on successful completion of desk evaluation of legal, regulatory, technical & infrastructural requirements in the office of the CCA, will be handed over for auditing to one of the Auditors empaneled for this purpose by the office of the CCA. Audit will be carried out by the Auditor within the ambit of the Terms & Conditions stipulated by the CCA. The applicant will be informed about the Auditor deputed to carry out the audit. The audit report has to be submitted to the CCA by the Auditor within 21 days from the commencement of Audit. Based on the audit report, the results of the financial evaluation, and on the applicant's meeting all technical, financial, infrastructural, legal and regulatory requirements, the CCA will decide whether a License is to be issued to the applicant or not. Any shortcomings in conformance as indicated by the Auditor, will be notified to the applicant who will be expected to correct the same and report to the CCA. If the non-conformance is major, then a fresh audit evaluation may be scheduled at a mutually agreed time.

License Issuance

On successful completion of evaluation of the application for grant of License with respect to qualification, expertise, manpower, financial resources other infrastructural facilities and legal and regulatory requirements, the CCA will commence the process of issuance of License. Each License issued will be accompanied by a public key certificate digitally signed by the CCA. The license is valid for a period of five years from the date of its issue and is not transferable

The paper license issued by the CCA includes the following:

- License serial no.
- Name of the CA
- Address
- Date of issue
- Valid until
- Public Key

The format for the License Serial no. is as follows:

YYYYXXXDDMMYYNNMMMMZZZ (24 characters)

With the following composition

YYYY	-	Year of issuance
XXXX	-	Serial Number allotted to CA (serialized based on order of receipt of application)
DDMMYY	-	Valid until date (DD)/ month (MM)/ year (YY)
NNN	-	000 - Primary License 001, 002 etc. - Incremented for each key submitted by the CA for certification. This will be indicated by the CA in their application.
MMMM	-	0000 - in case of fresh license yyyy - year of renewal
ZZZ	-	Reserved for future use

Circumstances for Suspension & revocation of License Suspension

of License

Licenses can be suspended by the CCA under Section 26 of ICT Act 2006. The CCA shall suspend a License if the CCA has reasons to believe that the CA has

- made a statement in, or in relation to, the application for the issue or renewal of the license, which is incorrect or false in material particulars;
- failed to comply with the terms and conditions subject to which the license was granted;
- contravened any provisions of the ICT ACT, 2006, Rules, Regulation, or orders made thereunder,
- Failed to maintain the procedures and standards specified in section 31 of ICT Act 2006



The license granted to the persons referred to in rule 19 of IT(CA) rules shall also stand suspended when the performance bond in the form of banker's guarantee furnished by such persons is invoked under sub-rule (2) of that rule.

An investigation into the need for suspension will take place by which validate the need for suspension and obtaining authorization for the suspension. On completion of investigation into the need for suspension, either License will be further suspended or reinstated as valid. Pending the completion of any inquiry ordered by the CCA during this suspension, CA will not issue any certificates.

Revocation of License

Licenses issued by the CCA can remain suspended for a maximum period of ten working days. Upon termination or prior to termination of suspension, CCA will determine whether it should be revoked as valid. The Controller or any officer authorized by him on this behalf shall take up for investigation any contravention of the provisions of this Act, rules or regulations made thereunder. If on completion of the inquiry, any of the above is established beyond doubt then the License may be revoked by the CCA. An Authorized signatory of the Licensed CA can also request for revocation.

Audit

The CA will have its operations audited

- Annually by an Auditor empaneled by the CCA
- Half-yearly by an internal audit team

The overall scope of the audit will be as follows, however the applicability of the scope may depend on fresh License or renewal of License or yearly audit or services offered by CA.

- (i) Security policy and planning;
- (ii) Physical security;
- (iii) Technology evaluation;
- (iv) Certifying Authority's services administration;
- (v) Relevant Certification Practice Statement;
- (v) Compliance to relevant Certification Practice Statement;
- (vi) Contracts/agreements;
- (vii) Regulations prescribed by the Controller;
- (ix) Policy requirements of Certifying Authorities Rules, 2010.
- (x) Adherence to ICT Act, 2006 the Rules and Regulations thereunder and Guidelines issued by Controller from time to time.
- (xi) Compliance of Verification method, Services and DSCs to relevant Guidelines issued by Controller based on the sample provided to Auditors
- (xiii) The subject matter or specific cases as provided by Controller
- (xiv) Audit with respect of Web trust operating standards.

The audit report will be submitted to the Controller within 21 days after of such audit and where irregularities are found, the Certifying Authority shall take immediate appropriate action to remove such irregularities.

availability and usability of records of DSC issuance, CRL generation and DSC application forms shall be mandatorily included in the audit apart from other requirements under ICT Act 2006

Renewal of license before expiry

The application for renewal of Certifying Authority's license shall be submitted before 45 days of expiry of license. The process for the renewal of License will be similar to fresh license in respect of audit and supporting documents.

The Controller may refuse to grant or renew a license any of the provisions under IT(CA) Rules 2010, rule 17 and 18

Re-location of CA Site

The guideline lines for shifting site of CA Operations are in the annexure IV. This may initiate a new certificate as the content changes.

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