



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Regulation Gazette

No. 8418

Regulasiekoerant

Vol. 489

**Pretoria, 10 March
Maart 2006**

No. 28594



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GOVERNMENT NOTICE
GOEWERMENTSKENNISGEWING

DEPARTMENT OF COMMUNICATIONS
DEPARTEMENT VAN KOMMUNIKASIEWESE

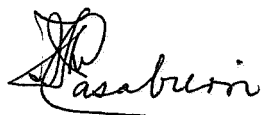
No. R. 216

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:	

<p>13. Full details of cryptography operations outsourced:</p>	
<p>14. Name, address and contact details of any other cryptography provider that provides a cryptography service or product to the cryptography provider:</p>	
<p>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:</p>	
<p>16. Certification practice statement and certificate policy if applicable:</p>	

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

No. R. 216

10 Maart 2006

**WET OP ELEKTRONIESE KOMMUNIKASIES EN TRANSAKSIES, 2002
(WET NO. 25 VAN 2002)**

KRIPTOGRAFIEREGULASIES

Die Minister van Kommunikasie het kragtens artikel 94 van die Wet op Elektroniese Kommunikasies en Transaksies, 2002 (Wet No. 25 van 2002), die regulasies in die Bylae uitgevaardig.

Bylae

**REGULASIES KRAGTENS DIE WET OP ELEKTRONIESE KOMMUNIKASIE EN
TRANSAKSIES****KRIPTOGRAFIEREGULASIES****Woordomskrywing**

1. In hierdie Regulasies het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, die betekenis aldus daaraan geheg en, tensy uit die samehang anders blyk, beteken -

“die Wet” die Wet op Elektroniese Kommunikasies en Transaksies, 2002 (Wet No. 25 van 2002);

“sertifiseringspraktyksverklaring” 'n verklaring uitgereik deur 'n sertifiseringsdiensverskaffer ter uiteensetting van die praktyke wat gebruik word om sertifikate voort te bring en uit te reik;

“sertifikaatbeleid” 'n bepaalde stel reëls wat die toepaslikheid aandui van 'n sertifikaat op 'n sekere gemeenskap of klas op wie dit toegepas word of op sowel sodanige gemeenskap as klas, na gelang van die geval mag wees, met algemene sekuriteitsvereistes;

“vertroude personeel” enige persone wat direkte pligte of verantwoordelikhede het vir die dag-tot-dag-werking, sekuriteit of verrigting van die sakebedrywighede betreffende kriptografieprodukte of –dienste of enige deel daarvan wat ingevolge hierdie Wet of regulasies gereël word.

Besonderhede om kriptografieverskaffers of hulle produkte of dienste te identifiseer en op te spoor

2. Benewens die inligting vereis in artikel 29 van die Wet moet 'n aansoek om registrasie -

(a) die volgende besonderhede bevat om die kriptografieverskaffer te identifiseer en op te spoor:

(i) Telefoon- en faksnommer, webwerf en e-posadres;

(ii) die konstitutiewe dokumente van die aansoeker wat in die geval van 'n regspersoon gewaarmerkte afskrifte is van die Memorandum en die Statute van die Maatskappy, sertifikaat van inkorporasie, stigtingsverklaring, vennootskapsooreenkoms of trustakte, en in die geval van 'n natuurlike persoon, 'n gewaarmerkte afskrif van sy of haar ID-boek of paspoort, na gelang van die geval ;

(iii) gedetailleerde profiele van vertroude personeel van die aansoeker wat toesighoudende of bestuursverantwoordelikhede het;

(b) die volgende besonderhede bevat om die produkte of dienste van die kriptografieverskaffer te identifiseer en op te spoor:

(i) fisiese adres waar 'n kriptografieprodukt is of geproduseer, vervaardig, geskep of waarvandaan dit versprei sal word;

(iii) volle besonderhede van kriptografiebedrywighede wat uitbestee word;

(iv) naam, adres en kontakbesonderhede van enige ander kriptografieverskaffer wat 'n kriptografiediens of -produkt aan die kriptografieverskaffer lewer.

(v) indien die kriptografieverskaffer 'n sertifiseringsdiensverskaffer is, die sertifiseringspraktyksverklaring en sertifikaatbeleid;

(c) die besonderhede bevat wat ingevolge artikel 29 van die Wet en paragraaf (a) van hierdie regulasie vereis word om 'n entiteit te identifiseer en op te spoor aan wie kriptografiebedrywighede uitbestee is;

(d) besonderhede bevat wat aandui of die kriptografieverskaffer toerusting vir geënkripteerde meeluister en vir meeluisterapparaatverwydering verskaf.

Die wyse waarop vereiste inligting verskaf word

3. (1) 'n Aansoek om registrasie ingevolge die Wet moet aan die Direkteur-generaal gerig word deur die aansoekvorm vervat in die Aanhangsel tesame met die ander inligting ingevolge die Wet vereis, in te vul en in te dien by die Direkteur-generaal of by die beampte deur die Direkteur-generaal vir daardie doel aangewys, en moet vergesel gaan van die administratiewe gelde in regulasie 4 bepaal.

(2) 'n Kriptografieverskaffer moet die Direkteur-generaal of die beampte deur die Direkteur-generaal vir daardie doel aangewys, van enige veranderinge in die inligting wat in of saam met die aansoek ingedien is, verwittig binne 30 dae na sodanige verandering.

Gelde betaalbaar

4. (1) Die administratiewe gelde betaalbaar deur 'n kriptografieverskaffer wat by die Direkteur-generaal registreer, is soos volg:

(a) Aansoekgeld: R100.00;

(b) jaarlikse administratiewe gelde: R200.00;

(2) Gelde aan die Direkteur-generaal betaalbaar, moet direk in die Departement se bankrekening inbetaal word en bewys daarvan moet verskaf word by die aansoek om registrasie.

(3) Buiten die aansoekgeld wat by aansoek betaalbaar is, moet die jaarlikse administrasiegeld elke jaar voor of op 31 Januarie betaal word.

Aanhangsel
Departement van Kommunikasie
Aansoekvorm: Registrasie as Kriptografieverskaffer

(Waar daar onvoldoende ruimte vir die aanteken van inligting is, moet die res van die inligting vervat word in Aanhangsels en gemerk word "Aanhangsels" wat aan die aansoekvorm geheg word en waarna in die toepaslike ruimte verwys word)

1. Volle naam van aansoeker:	
2. Straatadres:	
3. Posadres insluitend poskode:	
4. Telefoonnommer insluitend gebiedskode:	

5. Faksnommer:	
6. Selfoonnommer:	
7. Webwerf en e-posadres:	
8. Gedetailleerde beskrywing van tipe kriptografiediens en/of -produk:	

9. Die volgende konstitutiewe dokumente van die aansoeker word as Aanhangsel by hierdie aansoek aangeheg:	
10. Gedetailleerde besonderhede van vertroude personeel van die aansoeker wat toesighoudende of bestuursverantwoordelikhede het:	
11. Fisiese adresse waar kriptografieproduk is of geproduseer, vervaardig, geskep of waarvandaan dit versprei sal word :	
12. Fisiese adres waar kriptografiediens is of gelewer, afgelewer, verkoop, beskikbaar gemaak of waarvandaan dit versprei sal word:	

13. Volle besonderhede van kriptografiebedrywighede wat uitbestee word:	
14. Naam, adres en kontakbesonderhede van enige ander kriptografieverskaffer wat 'n kriptografiediens of -produk aan die kriptografieverskaffer verskaf:	
15. Besonderhede in artikel 29 van die Wet en regulasie 2(a), om 'n entiteit aan wie kriptografiebedrywighede uitbestee is, te identifiseer en op te spoor:	
16. Sertifiseringspraktyksverklaring en sertifikaatbeleid, indien van toepassing:	

17. Hetsy die kriptografieverskaffer toerusting vir geënkripteerde meeluister en vir meeluisterapparaatverwydering verskaf:	
NAAM (DRUKSKRIF):	
HANDTEKENING:	
DATUM:	
HOEDANIGHEID:	

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