

Law of the Republic of Azerbaijan

on electronic signature and electronic document

This law sets organizational, legal grounds for use of electronic signature and electronic document, their application in electronic document circulation and rights of related subjects, regulates disputes among them.

Chapter I General provisions

Article 1. Main definitions

1.1 The following main definitions have been used in this law:

1.1.1 Data – information available for development by information technology means;

1.1.2 Database – material object set for storage and use of data;

1.1.3 Information notice – form of information written in database;

1.1.4 Electronic signature – data added to another data or logically linked to them, admitting identification of signature holder;

1.1.5 Strengthened electronic signature (hereinafter – strengthened signature) – electronic signature created by electronic signature means controlled by signature holder and belonging only to signature holder, identifying it, admitting to identify the information notice to which it is linked is integral, stable, not distorted and faked;

1.1.6 Electronic signature holder (hereinafter signature holder) – physical person speaking on behalf of itself or person empowering it in legal manner;

1.1.7 Electronic signature means (hereinafter – signature means) – programs and technical means used for creation and verification of electronic signature, creating signature and verification information;

1.1.8 Electronic signature creation information – unrepeatable data consisted of code or cryptographic key known by signature holder only and used to create electronic signature;

1.1.9 Electronic signature verification information – unrepeatable data consisted of code or cryptographic key, fitting electronic signature creation information and used to verify electronic signature authenticity;

1.1.10 Electronic signature authenticity – confirming that electronic signature verified by electronic signature verification information belongs to electronic signature holder, information notice linked to signature is integral, not changed and distorted;

1.1.11 Certificate – paper or electronic document for identification of signature holder, granted by certificate services center on relationship of electronic signature verification information to signature holder;

1.1.12 Perfect certificate – certificate granted by certificate services center accredited on strengthened signature verification information;

1.1.13 Certificate services center (hereinafter – center) – legal person granting certificate for Electronic signature and doing other services set by this law on use of signatures, or physical person dealing with entrepreneurship not founding legal person;

1.1.14 Accredited certificate services center (hereinafter – accredited center) – certificate services center right of which to grant perfect certificate has been approved by corresponding executive power body;

1.1.15 Electronic document – document submitted in electronic version for use in information system and confirmed by electronic signature;

1.1.16 Electronic document circulation – information processes linked to signed traffic of electronic document in information system;

1.1.17 Electronic document circulation means – programs, technical means and techs used in electronic document circulation;

1.1.18 Certified electronic signature means – electronic signature means compliance of which with requirements set is confirmed upon certification rules;

1.1.19 Certified electronic document circulation means – electronic document circulation means compliance of which with requirements set is confirmed upon certification rules;

1.1.20 Electronic document sender (hereinafter – sender) – except electronic document circulation mediator, physical or legal person by which or on behalf of which electronic document is sent;

1.1.21 Electronic document receiver (hereinafter – receiver) – except electronic document circulation mediator, physical or legal person to which electronic document is addressed;

1.1.22 Electronic document circulation mediator (hereinafter – mediator) – physical or legal person doing electronic document circulation services between sender and receiver;

1.1.23 Electronic document authenticity – confirmation of integrity (possession of necessary details) and entirety (lack of technical faults and distortions during transmission) of electronic document via electronic signature authenticity verification;

1.1.24 Corporate information system – information system set by owner or agreed among participants upon contract with limited users;

1.1.25 Information on signature holder – information stated by signature holder while getting certificate and collected on it during operation of system;

1.1.26 Time indicator – electronic note of accredited center on receiving the information notice in certain time.

1.2 Definition of ‘centers’ that will further be used in this law will reflect the certificate services center and accredited center, and ‘signatures’ electronic signature and strengthened signature.

Article 2. Areas of use of electronic signature and electronic document

Except cases set by the legislation of the Republic of Azerbaijan, electronic signature and electronic document can be used in all fields of activity where corresponding means are applied. Official and unofficial correspondences, exchange of documents and information causing legal responsibility and liabilities can be implemented via electronic document.

Article 3. Validity of electronic signature and electronic document

3.1 Electronic signature cannot be considered invalid because it is in electronic version or has no certificate, created by signature means not certified.

3.2 Except cases set by the legislation of the Republic of Azerbaijan, signature created by

certified signature means with strengthened perfect valid certificate is equal to the manual signature.

3.3 If information on authorities of signature holder is shown in perfect certificate, strengthened signature according to Article 3.2 of this law is equal to manual signature on paper, confirmed with seal.

3.4 If written form of document is required by legislation of the Republic of Azerbaijan, electronic document signed according to Articles 3.2, 3.3 of this law is considered the one meeting these terms.

3.5 Except cases when notarized confirmation and (or) state registration of the document is required by legislation of the Republic of Azerbaijan, electronic document is equal to one on paper.

3.6 If notarized confirmation or state registration of the document is required by legislation of the Republic of Azerbaijan, electronic document or its copy meeting requirements of Article 25.1 of this law is registered or confirmed by legislation of the Republic of Azerbaijan.

3.7 Use of information notice and electronic document is regulated by this law and other legal acts.

Article 4. Legislation of the Republic of Azerbaijan on electronic signature and electronic document

Legislation of the Republic of Azerbaijan on electronic signature and electronic document consists of Constitution of the Republic of Azerbaijan, international treaties supported by the Republic of Azerbaijan, Civil Code of the Republic of Azerbaijan, this law, laws of the Republic of Azerbaijan 'On state secret', 'On information and protection of information' and other legal acts.

Chapter II Electronic signature

Article 5. Use of electronic signature

5.1 Electronic signature created by signature means using electronic signature creation information belongs to its holder only.

5.2 Signature holder can have a few signature creation information and they are used in relations stated in certificates.

5.3 Signature is verified to confirm authenticity of electronic signature and electronic document and identify signature holder. Verification is implemented in base of electronic signature verification information using signature means.

5.4 Rule of verification of electronic signature is set by corresponding executive body.

5.5 Using electronic signature not certified the signature holder shall warn the opposite side.

Article 6. Use of electronic signature in state management

6.1 Only strengthened signature and certified signature means are used for electronic document exchange in information systems of state power and local self-governing bodies.

6.2 State power and local self-governing bodies shall use services of center accredited for the

field.

6.3 Information notice sent by physical or legal person to the state power or local self-governing bodies shall be confirmed with its strengthened signature.

6.4 Rule of use of electronic signature by state power and local self-governing bodies is set by corresponding executive body.

Article 7. Use of electronic signature in corporate information system

7.1 Use of electronic signature in corporate information system is regulated upon internal normative acts of system or contract among participants.

7.2 Internal normative acts of corporate information system or contract among its participants shall include rights and duties of persons while using signature, as well provisions on regulation of damage caused to participants because of disobedience to rules of use of signature.

7.3 Centers serving the corporate information system are formed upon decision of the system owner or agreement of participants.

7.4 Activity of centers serving the corporate information system, contents of certificates, doing certificate services, implementation of certificate register, rules of storage of certificate is regulated by internal normative acts of system.

7.5 If certificate system center of corporate information system serves users of information system beyond the system the center shall comply with and function according to the provisions of this law.

Chapter III Certificate services, certification

Article 8. Electronic signature services subjects

Legal relations between signature holder, certificate services center or accredited center and corresponding executive body during use of electronic signature are regulated upon legislation of the Republic of Azerbaijan, this law and contract signed between parts.

Article 9. Registration and accreditation of certificate services center

9.1 30 days before starting to function the center shall inform corresponding executive body and be registered.

9.2 Information shall contain address, legal status, financial, technical, personnel possibilities and features of activity of the person claiming to function as center. Legal person shall add to this information the state registration certificate and copy of charter, and physical person documents on its entrepreneurship activity by not creating legal person. List of documents submitted is set by registration rules.

9.3 Corresponding executive body within 30 days verifies documents submitted by the center and makes decision on its registration.

9.4 To do perfect certificate services the center is accredited at corresponding executive body and perfect certificate is granted to it.

9.5 Number of accredited centers is not limited.

9.6 Center can start to function only after inclusion of registration information in register of certificate services center by corresponding executive body.

9.7 Corresponding executive body can deny registering the center in following cases:

9.7.1 if applicant does not meet requirements of this law;

9.7.2 if information and documents do not meet requirements of this law;

9.7.3 if false information is submitted by applicant;

9.7.4 if upon results of audit of information system security functioning of applicant as center is impossible;

9.7.5 if activity considered by applicant on certification or registration of time indicators does not meet requirements of this law and other legal acts;

9.7.6 if applicant has tax debt to state;

9.7.7 other cases set by legislation of the Republic of Azerbaijan.

9.8 Rules of registration and accreditation of the center are set by corresponding executive body.

Article 10. Certificate services

10.1 Concerning use of signature centers can do following services:

10.1.1 granting certificate;

10.1.2 stopping, restoring validity of certificate and annulling certificate;

10.1.3 upon queries, providing information set on certificate by this law and legislation of the Republic of Azerbaijan;

10.1.4 noting time indicators;

10.1.5 creating electronic signature;

10.1.6 providing advice on use of signature;

10.2 Rules of doing certificate services are set by corresponding executive body.

Article 11. Granting of certificate

11.1 Certificate is granted in base of written contract concluded between applicant and center.

11.2 Physical person willing to get certificate shall submit its ID card and other documents set by rules.

11.3 The accredited center is applied to get perfect certificate.

11.4 After granting certificate the center can stop, restore and annul its validity according to this law.

11.5 Until certificate comes into force the center includes information on that in register and records in register next changes in state of certificate.

11.6 Rules to grant certificate and conduct registration, contents of information inserted in that is set by corresponding executive body.

Article 12. Contents of certificate

12.1 Following information is mainly included in certificate:

12.1.1 title and address of center granting certificate (country);

12.1.2 serial number of certificate;

12.1.3 name, patronymic, surname of signature holder or its pseudonym shown for use;

12.1.4 validity of certificate (time, date of beginning and ending of term);

12.1.5 signature verification information of signature holder;

12.1.6 title of signature means in which signature verification information will be used.

12.2 If certificate is granted on paper it is made in official form of center, confirmed by manual signature of authorized person and seal. If certificate is granted on electronic version it is confirmed by strengthened signature of the body granting that.

12.3 If the information submitted admits exact identification of signature holder, pseudonym can be used as person indicator. In this case use of pseudonym by the signature holder is clearly noted in the certificate.

12.4 Perfect certificate granted to physical persons contain the following additionally:

12.4.1 title and address of accredited center granting certificate (country);

12.4.2 note on existence of perfect certificate;

12.4.3 usage spheres and limitations of certificate;

12.5 Perfect certificate granted to physical persons is confirmed by strengthened signature of accredited center granting that.

12.6 Perfect certificate granted to accredited center shall contain the following:

12.6.1 title and address of body granting certificate (country);

12.6.2 note on existence of perfect certificate;

12.6.3 usage spheres and limitations of certificate;

12.7 Perfect certificate granted to accredited center is confirmed by strengthened signature of body granting that.

12.8 Other information included in certificate is stated in contract signed between center and signature holder.

12.9 In following cases certificate is invalid:

12.9.1 if it is not granted in legal manner;

12.9.2 if validity term is over;

12.9.3 if strengthened signature of center granting certificate is not authentic;

12.9.4 if validity of certificate is ceased or annulled;

12.9.5 if it is not used in relations stated in that.

Article 13. Stopping and restoring validity of certificate

13.1 Validity of certificate is stopped by center in following cases:

13.1.1 if signature holder applies;

13.1.2 if authorized person (body) applies according to legislation or contract;

13.1.3 if center has valid doubts in correctness of information that is base for granting certificate or in security of signature creation information of signature holder.

13.2 Center immediately informs signature holder, authorized person (body) applying on stopping validity of certificate and conducts registration in register of certificates.

13.3 In the event stated in Article 13.1.3 of this law validity of certificate cannot be stopped for more than 48 hours.

13.4 Validity of certificate is restored in following cases:

13.4.1 if signature holder demanding to stop validity of certificate applies or authorized person (body) applying gives permission;

13.4.2 if valid doubts are removed as a result of actions taken by center;

13.4.3 if term for stopping validity of certificate is over.

13.5 Appeals for stopping or restoring validity of certificate shall be in written form and well-established with corresponding documents.

13.6 Disputes connected with stopping or restoring validity of certificate are regulated by legislation of the Republic of Azerbaijan.

Article 14. Annulment of certificate

14.1 Certificate can be annulled by center in following cases:

14.1.1 upon appeal of signature holder;

14.1.2 if validity term of certificate is over;

14.1.3 upon decision or appeal of authorized person (body);

14.1.4 if signature holder dies or considered disabled in legal manner;

14.1.5 if documents and information submitted to center for granting certificate are fake, incorrect or invalid;

14.1.6 if center finds out that signature holder has lost control on signature creation information;

14.1.7 if not used in relations stated in that;

14.1.8 if signature holder breaks requirements of legal acts regulating use of signature or contract signed with center;

14.1.9 if certificate of signature means used has lost validity;

14.1.10 in other cases set by legislation.

14.2 Center informs signature holder, authorized person (body) applying on annulment of validity of certificate and conducts registration in register of certificates on amendments.

14.3 Disputes because of annulment of certificate are settled by court.

Article 15. Storage of documents on certificate services

15.1 Certificates that are valid within time set by legislation of the Republic of Azerbaijan on fields of use given, validity of which is stopped or annulled, as well other documents and

information related to that are stored at center.

15.2 While certificate is stored the center assures free and permanent appeal of information system users to certificate, replies to inquiries related to that.

15.3 Center assures storage of following documents:

15.3.1 documents on assurance of security of certificate services;

15.3.2 contracts signed with signature holders;

15.3.3 copies of documents given upon certificates of center;

15.3.4 documents of signature holder confirming its instruction;

15.3.5 documents on stopping, restoring and annulling validity of certificate.

15.4 After term for storage at center is over certificate is removed from register and given to archive. Term for storage in archive, rule of giving copies of certificates and other information on them within this time is regulated by legislation of the Republic of Azerbaijan.

Article 16. Recognition of certificates given in foreign countries

16.0 Certificates given in foreign countries are valid in the Republic of Azerbaijan in following cases:

16.0.1 if center granting certificate has undertaken accreditation in the Republic of Azerbaijan;

16.0.2 if certificate meets security requirements set by this law and other legal acts of the Republic of Azerbaijan;

16.0.3 if certificate is guaranteed by center accredited in the Republic of Azerbaijan or corresponding executive body;

16.0.4 if certificate has been granted by foreign centers stated in interstate contracts supported by the Republic of Azerbaijan.

Article 17. Rights, duties and responsibilities of centers

17.1 Centers are entitled to the following:

17.1.1 to assure and regulate its activity according to legislation of the Republic of Azerbaijan;

17.1.2 to do certificate services stated in this law;

17.1.3 to undertake accreditation in corresponding executive body for doing services related to perfect certificates;

17.1.4 to apply to corresponding state authorities related to its activity;

17.1.5 to put an end to its activity according to legislation of the Republic of Azerbaijan;

17.1.6 to complain according to legislation of the Republic of Azerbaijan to the court from decisions on annulment of registration or accreditation of center, stopping or annulling validity of certificate;

17.1.7 to do paid certificate services;

17.1.8 to set fields and limits for use of certificates according to legislation of the Republic of Azerbaijan;

17.2 Before signing contract with signature holder to give certificate center shall inform it of

rules of use of certificate and signature means, center's legal status and state of accreditation.

17.3 Centers fulfill following duties:

17.3.1 assures security of activity and protection of information on signature holder;

17.3.2 studies documents submitted by signature holder and in necessary cases applies to corresponding public body for verification of them;

17.3.3 conducts registration of certificates, assures its importance and necessary conditions to provide free and permanent appeal to that;

17.3.4 gives information on certificates;

17.3.5 stores documents and information on certificate services;

17.3.6 in cases stated in Articles 13 and 14 of this law stops, restores or annuls validity of certificates, informs signature holder and authorized person (body) on this.

17.3.7 submits information on its activity to corresponding executive power body and replies to its queries;

17.3.8 considering the term of start of activity, assures yearly audit of information system security and submits the result to corresponding executive power body within 30 days;

17.3.9 promotes control on its activity by corresponding executive body;

17.3.10 implements other duties stated in legislation of the Republic of Azerbaijan and contract between parts.

17.4 Centers bear responsibility for the following:

17.4.1 security of its activity, protection of signature creation information and information on signature holder;

17.4.2 entirety and correctness of information in certificate;

17.4.3 quality and exactness of certificate services;

17.4.4 illegal stopping or annulling validity of certificate;

17.4.5 causing financial damage to signature holder by activity of center;

17.4.6 delay in delivery of information to affect use of certificate to the signature holder.

17.5 Accredited center implements granting the perfect certificates according to legislation of the Republic of Azerbaijan, this law and rules set by corresponding executive body, and shows in certificate fields and limits for its use.

17.6 Accredited center guaranteeing certificate of perfect certificate and foreign certificate centers bears responsibility by legislation of the Republic of Azerbaijan for damage caused to signature user.

17.7 Centers bear no responsibility for damage caused to signature user by violation of contract terms by signature holder, disobedience to purpose of certificate.

Article 18. Requirements for certificate services

18.1 While functioning centers shall possess technical, personnel and financial opportunities, as well financial opportunities to reimburse damage that can be caused to users, do reliable and uninterrupted service.

18.2 Centers shall use certified signature means to give certificates, electronic signature

creation and verification information.

18.3 Before starting to operate and yearly after registration centers shall audit information system, apply technique and techs ensuring reliable use of system.

18.4 Centers shall possess educated, experienced and competent personnel to assure activity.

Article 19. Putting an end to activity of certificate services center

19.1 Putting an end to activity of center is implemented by civil legislation of the Republic of Azerbaijan.

19.2 At least 30 days before putting an end to activity the center posts notices on mass media and other means, warns signature holders possessing valid certificates, certificate services centers certificates of which are guaranteed by that and with which guarantee contracts are signed, and corresponding executive body.

19.3 30 days after the notice is given the centers implements annulment of valid certificates.

19.4 30 days after the notice is given on putting an end to activity of accredited center it shall hand upon consent of signature holder the perfect certificates, information on them and inquires of signature users to another accredited center or corresponding executive body. Certificates not handed are annulled and according to Article 15 of this law given to corresponding executive body to be stored.

19.5 In following cases corresponding executive body can by legislation of the Republic of Azerbaijan annul registration, accreditation of centers and pretend to end their activity:

19.5.1 if documents and information submitted for registration are incorrect or invalid;

19.5.2 if offences are regularly admitted in activity.

19.6 Activity of center serving corporate information system can be ended upon decision of system owner or agreement of participants.

Article 20. Rights, duties and responsibilities of signature holder

20.1 Signature holder has following rights:

20.1.1 to get detailed information on centers, their services, signatures, use of signature means and security rules;

20.1.2 to be familiarized with information about him/her gathered in centers;

20.1.3 to complain pursuant to the legislation of the Republic of Azerbaijan on decisions on stopping, restoring or annulling validity of certificate, other issues concerning activity of centers.

20.2 Signature holder shall be capable to create signature and use corresponding means.

20.3 Signature holder bears responsibility for protection of signature creation information and signature means and shall not admit use of them by another person. If control on these is lost or there is danger to this, signature holder shall immediately inform the respective center and demand to stop validity of certificate.

20.4 While using strengthened signature the signature holder shall obey the relations of use stated in perfect certificate.

20.5 Applying to centers to sign contract the signature holder bears responsibility for integrity

and correctness of information it submits.

20.6 Signature holder bears responsibility by legislation of the Republic of Azerbaijan for damage caused by disobedience to terms stated in Article 20 of this law.

Chapter IV Electronic document

Article 21. Requirements for electronic document

21.1 Electronic document shall meet the following requirements:

21.1.1 shall be created, stored, developed, transmitted and received due to support of technical and program means;

21.1.2 shall have structure stated in Article 22 of this law;

21.1.3 shall have details promoting identification;

21.1.4 shall be submitted due to support of technical and program means in visual form.

21.2 List of necessary details for identification of electronic document and its authenticity is set by legislation of the Republic of Azerbaijan.

Article 22. Structure of electronic document

22.1 Electronic document has structure consisted of general and special segments.

22.2 Information on contents of electronic document and the person it is addressed is stated in general segment of that.

22.3 Electronic signature (signatures) and time indicator (indicators) enclosed to electronic document are noted in special segment of electronic document.

Article 23. Forms of submission of electronic document

23.1 Electronic document has internal and external forms of submission.

23.2 Image of electronic document recorded in database is its internal form of submission.

23.3 Reflection of electronic document in visual form in another material object (display, paper etc) differed from database is its external form of submission.

Article 24. Original of electronic document

24.1 Original of electronic document is possible in internal form of submission only.

24.2 All the same copies of electronic document in its internal form of submission are considered original and equal.

24.3 Electronic document can have no copy in electronic version.

24.4 Each of documents of the same contents made by the same person in paper and electronic version is independent and has equal right. In this case document on paper is not copy of the one in electronic version.

Article 25. Copy of electronic document and rule to confirm that

25.1 Copy of electronic document is made by confirmation of its external form of submission reflected on paper in a manner set by legislation of the Republic of Azerbaijan.

25.2 There must be note in copy of electronic document on paper that it is copy of corresponding electronic document.

25.3 Copy of electronic document in another material object differed from paper or on paper but not confirmed properly is not considered its copy.

25.4 Origin of electronic document and its copy on paper meeting requirements of Article 25.1 of this law have equal validity.

Chapter V Electronic document circulation

Article 26. Bases of formation of electronic document circulation

26.1 Use and circulation of electronic document is implemented upon legislation of the Republic of Azerbaijan or contracts signed between electronic document circulation subjects.

26.2 Legislation of the Republic of Azerbaijan or contract signed set rule of exchange of electronic documents and technical and organizational requirements (form of exchange of documents, procedure of verification of them, time, form etc. considered acceptable for confirming the acceptance of document) related to that.

26.3 Documentation of electronic document circulation is implemented upon clerical standards and rules set by legislation of the Republic of Azerbaijan.

26.4 Use and circulation of electronic document in corporate information system is regulated by internal normative acts of the system.

Article 27. Sending and receiving electronic document

27.1 Electronic document sent personally, as well by person empowered to act on behalf of another person or automatically transmitted by information system operating on self-programmed manner is considered sent by sender.

27.2 If contract between parts does not set other cases, as a result of confirmation of authenticity of electronic document received the receiver makes sure that it is sent by sender and informs the sender in a way unambiguously confirming the acceptance by any means, including automatically.

27.3 In following cases receiver shall consider electronic document not sent by sender:

27.3.1 if it receives notice that electronic document has not been sent;

27.3.2 if electronic document authenticity is not confirmed;

27.3.3 as a result of verification of electronic document authenticity the receiver knew or had to know that electronic document received is automatic repeat of another document.

27.4 If contract between parts does not set other cases, electronic document is considered not received until sender receives confirmation by receiver. Confirmation shall include note on compliance of electronic document with technical requirements agreed between parts.

27.5 If confirmation is not received within time shown by sender or set by contract signed between parts, sender informs receivers of this and sets time for sending confirmation.

27.6 Article 27 of this law does not regulate relations linked to contents of electronic document and confirmation of acceptance, except relations concerning sending or receiving electronic document.

Article 28. Time of sending and receiving the electronic document

28.1 If contract between parts does not set other cases, the moment when electronic document enters the information system out of control of sender or person acting on behalf of that is the time (date and time) of sending the electronic document.

28.2 If contract between parts does not set other cases, the moment when electronic document enters the information system shown by receiver is the time (date and time) of sending the electronic document.

28.3 Time indicator registration services may be used if time of sending and receiving causes dispute.

Article 29. Storage of electronic document

29.1 Rule of storage of electronic document is set by legislation of the Republic of Azerbaijan considering following terms:

29.1.1 Electronic document shall keep structure that it was created, transmitted or received;

29.1.2 Electronic document shall be available for identification of its sender, receiver, time of sending and receiving;

29.1.3 information in electronic document shall be available for use in next reference;

29.1.4 term for storage of electronic document shall not be less than the period considered for paper document;

29.1.5 shall comply with other terms set by legislation and upon agreement of parts.

29.2 Article 29.1 of this law does not concern the electronic documents storage of which is not necessary.

29.3 Services of other legal and physical persons can be used by legislation of the Republic of Azerbaijan for storage of electronic documents.

Article 30. Protection of electronic document

30.1 Programs and technical means shall be used by legislation of the Republic of Azerbaijan to protect electronic document during circulation of electronic document.

30.2 Required level of protection actions in information systems and networks used in electronic document circulation is assured by owner of these systems and networks.

30.3 Required level of protection actions in corporate information systems is assured by owner of this system by legislation of the Republic of Azerbaijan or upon agreement of participants.

Article 31. Rights, duties and responsibilities of mediator

31.1 Services of mediator can be used while storing, transmitting and receiving electronic documents.

31.2 To ensure its activity mediator shall have the following:

31.2.1 technique and technologies assuring reliable use of system;

31.2.2 educated, experienced and competent personnel;

31.2.3 facilities admitting identification of time and source of served electronic documents;

31.2.4 reliable system to store information stated in Article 31.2.3 of this law.

31.3 Mediator shall assure storage of information stated in Article 31.2.3 of this law for 6 months.

31.4 Mediator shall be registered in corresponding executive body to function.

31.5 Mediator serves users upon contract.

31.6 Mediator that violates requirements of Article 31.2 of this law bears responsibility by legislation of the Republic of Azerbaijan.

31.7 Mediator assures security of its activity and bears no responsibility for contents of documents stored, transmitted and received.

Article 32. Electronic documents containing confidential information

32.1 Rule of use and actions of protection of electronic documents containing state, commercial, bank secrets and other confidential information is set by legislation of the Republic of Azerbaijan.

32.2 For exchange of electronic documents containing state secret only certified electronic signature and electronic document circulation means shall be used.

32.3 Expertise of information systems used for making, development and exchange of electronic documents containing state secret is carried out in the way set by corresponding executive body.

32.4 Persons with access to work with electronic documents stated in Article 32.1 of this law shall assure implementation of actions required for protection of these documents by legislation of the Republic of Azerbaijan.

32.5 Subjects implementing electronic document circulation upon contract signed between parts set by themselves ways of appeal to electronic documents containing confidential information and their protection by legislation of the Republic of Azerbaijan.

Chapter VI Special provisions

Article 33. Implementation of state regulation

33.1 Regulation of electronic signature application and use processes, activity of certificate services centers and control on that is realized by corresponding executive body.

33.2 Corresponding executive bodies fulfil following duties in field of regulation of electronic signature use:

33.2.1 sets rules of creation and verification of signature;

33.2.2 makes rules of use of electronic signature and electronic document;

33.2.3 makes rules of granting certificate and conducting registration, sets contents of information included in that and list of other information;

33.2.4 makes requirements and standards for electronic signature, signature means and electronic document circulation;

33.2.5 sets requirements and rules for registration of centers, mediators and formation of their activity;

33.2.6 registers centers, mediators and annuls registration;

33.2.7 sets rule of accreditation of center;

33.2.8 carries out accreditation of centers, as well of foreign certificate services centers in the Republic of Azerbaijan and annulment of accreditation;

33.2.9 records registered centers and perfect certificates granted to them;

33.2.10 assures informing the public of list of centers, as well of foreign centers registered in the Republic of Azerbaijan;

33.2.11 makes general rules and requirements, recommendations and gives advice on doing certificate services;

33.2.12 implements by legislation of the Republic of Azerbaijan contacts with foreign organizations concerning use of signatures;

33.2.13 replies to inquiries on certificates given to registered centers;

33.2.14 sets rule of expertise of information systems.

33.3 Corresponding executive bodies has following rights in field of supervision on activity of certificate services centers:

33.3.1 to get information from centers on their activity;

33.3.2 to specify information on centers, and in necessary cases, to directly familiarize with their activities;

33.3.3 to monitor observation of technical security and certification rules by centers;

33.3.4 if illegalities are found out in centers' activities, to take administrative actions that have been stipulated in this Law, to pretend to end their activity.

Article 34. Requirements for electronic signature and electronic document circulation means

34.1 In order to carry out safe electronic document circulation via information systems owned or used by state authorities, expertise of these systems shall be implemented according to the rule set by the corresponding executive body.

34.2 Certified protection means containing state secret and other confidential information are used in electronic document circulation according to the rule set by the corresponding executive body.

34.3 Electronic signature and electronic document circulation means in use are certified according to legislation of the Republic of Azerbaijan on certification.

Article 35. Protection of information on signature holder

35.1 While operating the centers, mediators cannot use information they possess, also information on signature holder for goals not linked to fulfilment of their duties.

35.2 Centers can give the users only the information included in certificate and concerning that.

35.3 Employees of the centers, mediators or other related persons shall protect information on signature holder and signature creation information they know during their activity.

Chapter VII Final provisions

Article 36. Responsibility for violation of legislation on electronic signature and

document

36.1 Persons accused of violation of this law bear responsibility in the manner set by legislation of the Republic of Azerbaijan.

36.2 Users bear individual responsibility for using electronic signature and electronic document circulation means not certified.

36.3 Owner of information system bears responsibility for assurance of security of this system, conducting expertise in the manner set.

Article 37. Validation of law

This law comes into force from the day of publication.

Ilham Aliyev,

President of the Republic of Azerbaijan.

Baku city, 9 March 2004

