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DIGITAL SIGNATURE ACT

[Enforcement Date 10. Dec, 2019.] [Act No.16755, 10. Dec, 2019., Partial
Amendment]

과학기술정보통신부 (정보보호기획과)044-202-6446, 6447



법제처 국가법령정보센터

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CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose) The purpose of this Act is to establish a basic framework for the system of digital signatures in order to ensure the safety and reliability of electronic messages and to promote their use, thereby accelerating informatization of the society and advancing public convenience.

Article 2 (Definitions) The terms used in this Act are defined as follows: <Amended by Act No. 16755, Dec. 10, 2019>

1. The term "electronic message" means a piece of information generated and sent, received, or stored in digital form through an information processing system;
2. The term "digital signature" means a piece of information in digital form affixed to, or logically combined with, an electronic message in order to identify the relevant signer and verify that the electronic message has been signed by the signer;
3. The term "certified digital signature" means a digital signature that satisfies the following requirements and is grounded upon an authorized certificate:
 - (a) That the digital-signature-creating key shall be held only by, and known only to, the subscriber;
 - (b) That the subscriber shall be controlling and managing the digital-signature-creating key at the time of signing;
 - (c) That it shall be ascertained whether there has been any alteration in a digital signature since it was affixed;
 - (d) That it shall be ascertained whether there has been any alteration in an electronic message since the relevant digital signature was affixed;
4. The term "digital-signature-creating key" means a sequence of bits used to affix a digital signature to an electronic message;
5. The term "digital-signature-verifying key" means a sequence of bits used to verify a digital signature;

6. The term "certification" means an act of ascertaining and verifying that the digital-signature-creating key is held only by, and known only to, the subscriber;
7. The "certificate" means electronic information ascertaining and verifying that the digital-signature-creating key is held only by, and known only to, the subscriber;
8. The term "authorized certificate" means a certificate that a licensed certification authority issues in accordance with Article 15;
9. The term "authorized certification work" means offering authorized certification services, such as the issuance of authorized certificates and the maintenance of certification-related records;
10. The term "licensed certification authority" means an entity that is, in accordance with Article 4, designated as such in order to offer authorized certification services;
11. The term "subscriber" means a person whose digital-signature-creating key has been certified by a licensed certification authority;
12. The term "signer" means a person who holds his own digital-signature-creating key and signs in his or her own name or on behalf of another person;
13. The term "personal information" means a piece of information that pertains to a living individual, such as information regarding marks, letters, voice, sound, image, and biometric characteristics which may help establish the identity of the relevant person based on his or her name, resident registration number, etc. (including cases where such information, even if this information is not enough to identify a specific person, can be combined easily with other information to establish his or her identity).

[This Article Wholly Amended by Act No. 6585, Dec. 31, 2001]

- Article 3 (Effect of Digital Signature)** (1) Where a signature, signature and seal, or name and seal is, under other statutes or regulations, required to be affixed to a paper-based document or letter, it shall be deemed that such requirements are satisfied if there is a certified digital signature affixed to an electronic message. <Amended by Act No. 6585, Dec. 31, 2001>
- (2) Where a certified digital signature is affixed to an electronic message, it shall be presumed that such digital signature is the signature, signature and seal, or name and seal of the signer of the relevant electronic message and that there has been no change in the contents of such message since it was signed digitally.<Amended by Act No. 6585, Dec. 31, 2001; Act No. 16755, Dec. 10, 2019>

(3) A digital signature other than a certified digital signature shall have such an effect of a signature, signature and seal, or name and seal, as is agreed between the parties concerned. <Newly Inserted on Dec. 31, 2001>

[Title Amended on Dec. 31, 2001]

CHAPTER II LICENSED CERTIFICATION AUTHORITIES

Article 4 (Designation of Licensed Certification Authorities) (1) The Minister of Science and ICT may designate, as a licensed certification authority, an entity that is deemed capable of performing authorized certification work (hereinafter referred to as "certification work") in a secure and reliable manner. <Amended on Dec. 31, 2001; Feb. 29, 2008; Mar. 23, 2013; Jul. 26, 2017>

(2) An entity that can be designated as a licensed certification authority shall be limited to State agencies, local governments, or corporations.

(3) An entity that desires to be designated as a licensed certification authority shall meet such requirements as technical and financial capabilities, facilities and equipment, and other required matters as prescribed by Presidential Decree.

(4) Where the Minister of Science and ICT designates a licensed certification authority under paragraph (1), he or she may designate such authority, for a sound development, etc. of the authorized certification market, by classifying certification work based on the purpose of establishment in cases of State agencies, local governments, non-profit corporations, or corporations established by special Acts. <Newly Inserted by Act No. 7813, Dec. 30, 2005; Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

(5) The procedures for designation of a licensed certification authority and other necessary matters shall be determined by Presidential Decree.

Article 5 (Grounds for Disqualification) None of the following persons shall be designated as a licensed certification authority: <Amended by Act No. 7428, Mar. 31, 2005; Act No. 12762, Oct. 15, 2014>

1. A corporation of which any executive officer falls under any of the following:

(a) A person under adult guardianship or limited guardianship, or a person declared bankrupt and not yet reinstated;

- (b) A person in whose case two years have not elapsed since his or her imprisonment without labor or heavier punishment declared by a court was completely executed (including cases where the execution of the sentence is deemed completed) or exempted;
 - (c) A person who is under suspension of the execution of imprisonment without labor or heavier punishment as declared by a court;
 - (d) A person who has been disqualified or whose qualification has been suspended by the court decision or under other statutes;
 - (e) A person who was in the position of an executive officer of a corporation at the time its designation as a licensed certification authority was revoked pursuant to Article 12 (limited to cases where two years have not yet passed since its revocation);
2. A corporation in whose case two years have not yet passed since its designation as a licensed certification authority was revoked pursuant to Article 12.

Article 6 (Rules of Authorized Certification Work) (1) A licensed certification authority shall prepare its rules of authorized certification work (hereinafter referred to as "rules of certification work") that contain the following and shall file a report on them to the Minister of Science and ICT before commencing certification work: [<Amended by Act No. 6585, Dec. 31, 2001; Act No. 7813, Dec. 30, 2005; Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>](#)

- 1. Types of certification work;
- 2. Methods and procedures of performing certification work;
- 3. Terms and conditions of use of authorized certification services (hereinafter referred to as "certification services");
- 4. Other necessary matters to conduct certification work.

(2) A licensed certification authority shall prepare the rules of certification work under the standards for the rules of authorized certification work and the digital signature certification work guidelines under Article 8 prescribed and publicly notified by the Minister of Science and ICT. [<Newly Inserted by Act No. 7813, Dec. 30, 2005; Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>](#)

(3) In cases of the modification of the matters already reported under paragraph (1), a licensed certification authority shall file a report on such fact to the Minister of Science and ICT within a period prescribed by Ordinance of the Ministry of Science and ICT. [<Newly](#)

Inserted by Act No. 6585, Dec. 31, 2001; Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

(4) Where the contents of rules of certification work reported under paragraph (1) to ensure the safety and reliability of certification work and to protect subscribers' interests violate the standards for the rules of authorized certification work prescribed and publicly notified by the Minister of Science and ICT and the digital signature certification work guidelines under Article 8 (1), the Minister of Science and ICT may order the relevant licensed certification authority to modify the rules of certification work within a reasonable, fixed period.<Amended by Act No. 6585, Dec. 31, 2001; Act No. 7813, Dec. 30, 2005; Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017; Act No. 16755, Dec. 10, 2019>

(5) A licensed certification authority shall faithfully observe all the matters prescribed by the rules of certification work.<Newly Inserted by Act No. 6585, Dec. 31, 2001; Act No. 7813, Dec. 30, 2005>

[Title Amended on Dec. 31. 2001]

Article 7 (Provision of Certification Services) (1) No licensed certification authority shall refuse to provide certification services without good cause.

(2) No licensed certification authority shall unjustly discriminate against a subscriber or a certification service user.

Article 8 (Performance of Certification Work by Licensed Certification Authorities) (1) In order to ensure the safety and reliability of certification work, the Minister of Science and ICT may prescribe and publicly notify digital signature certification work guidelines on specific matters that shall be observed by a licensed certification authority in performing certification work. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

(2) The digital signature certification work guidelines under paragraph (1) shall contain the following:<Newly Inserted by Act No. 7813, Dec. 30, 2005>

1. Matters concerning the management of authorized certificates;
2. Matters concerning the management of digital-signature-creating keys;
3. Matters concerning the protection of the facilities of licensed certification authorities;
4. Other matters concerning the certification work and operational management.

[This Article Wholly Amended by Act No. 6585, Dec. 31, 2001]

Article 9 (Acquisition of Certification Work by Transfer) (1) A licensed certification authority which desires to acquire the certification work of another licensed certification authority or to merge with another licensed certification authority that is a corporation, shall file a report to the Minister of Science and ICT as prescribed by Ordinance of the Ministry of Science and ICT. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

(2) A licensed certification authority that has acquired the certification work pursuant to paragraph (1) or, in cases of merger, a corporation that has survived or has been newly established after the merger thereunder, shall succeed to the status of the former licensed certification authority.

Article 10 (Cessation or Closure of Certification Work) (1) When a licensed certification authority desires to cease all or part of its certification work, it shall fix the period of cessation and notify its subscribers thereof not later than 30 days before the scheduled date of cessation and also shall file a report thereon to the Minister of Science and ICT. In such cases, the period of cessation shall not exceed six months. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

(2) When a licensed certification authority desires to close its certification work, it shall notify its subscribers thereof not later than 60 days before the scheduled date of closure and also shall file a report thereon to the Minister of Science and ICT. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

(3) A licensed certification authority that has reported under paragraph (2) shall transfer to another licensed certification authority its subscribers' authorized certificates as well as the records of the authorized certificates the validity of which was suspended or which were revoked (hereinafter referred to as "subscribers' certificates, etc."): Provided, That if the subscribers' certificates, etc. may not be transferred due to unavoidable circumstances, the licensed certification authority shall, without delay, file a report on such fact to the Minister of Science and ICT. <Amended by Act No. 6585, Dec. 31, 2001; Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

(4) Upon receipt of a report under the proviso of paragraph (3), the Minister of Science and ICT may order the Korea Internet Security Agency (hereinafter referred to as the "Internet Security Agency") under Article 52 of the Act on Promotion of Information and Communications Network Utilization and Information Protection, Etc. to take over the

subscribers' certificates, etc. from the relevant licensed certification authority. <Amended by Act No. 6360, Jan. 16, 2001; Act No. 6585, Dec. 31, 2001; Act No. 7813, Dec. 30, 2005; Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017; Act No. 16755, Dec. 10, 2019>

(5) Necessary matters regarding filing a report on the cessation or closure of certification work as well as the transfer and takeover of the subscribers' certificates, etc. under paragraphs (1) through (4) shall be prescribed by Ordinance of the Ministry of Science and ICT. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

Article 11 (Corrective Orders) The Minister of Science and ICT may order a licensed certification authority to take corrective measures within a fixed period if it falls under any of the following cases: <Amended by Act No. 6585, Dec. 31, 2001; Act No. 7813, Dec. 30, 2005; Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

1. Deleted; <by Act No. 7813, Dec. 30, 2005>
2. Where a licensed certification authority fails to satisfy the requirements it should meet under Article 4 (3) after it was designated as a licensed certification authority;
3. Where an executive officer of a licensed certification authority falls under any of the items of subparagraph 1 of Article 5;
4. Where a licensed certification authority fails to file a report or a report on modification under Article 6 or where it fails to observe its rules of certification work that have been reported thereunder;
5. Where a licensed certification authority refuses to provide certification services, or unjustly discriminates against subscribers or certification service users, in violation of Article 7;
- 5-2. Where a licensed certification authority fails to observe specific matters set forth in the digital signature certification work guidelines, in violation of Article 8;
6. Where no report is filed on the acquisition of certification work by transfer, or on a merger between the licensed certification authorities, in violation of Article 9 (1);
7. Where a licensed certification authority fails to give notice of, or to file a report on, the cessation or closure of its certification work, or where it fails to transfer its subscribers' certificates, etc. to another certification authority at the time of the closure of its certification work, in violation of Article 10;
8. Where a licensed certification authority, the designation of which is revoked, fails to transfer its subscribers' certificates, etc. to another certification authority, or fails to file a

report, in violation of Article 12 (2);

9. Where documents and materials referred to in Article 14 (1) are not submitted;

9-2. Where a licensed certification authority fails to confirm the identity under the latter part of Article 15 (1);

10. Where a licensed certification authority fails to suspend or restore the validity of an authorized certificate, or where it fails to take measures to confirm such fact, in violation of Article 17;

11. Where a licensed certification authority fails to revoke an authorized certificate, or where it fails to take measures to confirm such fact, in violation of Article 18;

11-2. Where a licensed certification authority fails to take protective measures to ensure safety of facilities related to certification work, in violation of Article 18-3;

12. Where a licensed certification authority fails to file a report on a failure that occurred in the information processing systems providing certification work under Article 22-3 (1);

13. Where a licensed certification authority fails to purchase insurance under Article 26 (2).

Article 12 (Suspension of Certification Work or Revocation of Designation) (1) Where a licensed certification authority falls under any of the following cases, the Minister of Science and ICT may suspend all or part of its certification work for a fixed period not exceeding six months or may revoke its designation as a licensed certification authority: Provided, That in cases falling under subparagraphs 1 and 2, its designation shall be revoked: <Amended by Act No. 6585, Dec. 31, 2001; Act No. 7813, Dec. 30, 2005; Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

1. Where a designation provided in Article 4 was made by fraud or other improper means;

2. Where a licensed certification authority which has been ordered to suspend its certification work fails to suspend the certification work, in violation of such order;

3. Where certification work is not commenced within six months after designation provided in Article 4 or where certification work has been discontinued for six consecutive months or longer;

4. Where an order to modify the rules of certification work provided in Article 6 (4) is violated;

5. Where a corrective order provided in Article 11 is not implemented without good cause.

(2) A licensed certification authority the designation of which is revoked pursuant to paragraph (1) shall transfer its subscribers' certificates, etc. to another licensed certification

authority: Provided, That if the subscribers' certificates, etc. may not be transferred due to unavoidable circumstances, the licensed certification authority shall, without delay, file a report on such fact to the Minister of Science and ICT. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

(3) Article 10 (4) shall apply mutatis mutandis to a licensed certification authority the designation of which is revoked.

(4) Necessary matters regarding the standards and procedures for dispositions under paragraph (1) as well as transfer and takeover, etc. under paragraphs (2) and (3) shall be prescribed by Ordinance of the Ministry of Science and ICT. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

Article 13 (Imposition of Penalty Surcharges) (1) Where a suspension of work for an offense falling under any subparagraph of Article 12 (1) may cause serious inconvenience to subscribers, etc. or be harmful to other public interests, the Minister of Science and ICT may impose a penalty surcharge not exceeding 20 million won, in lieu of the suspension of certification work. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

(2) The amount of a penalty surcharge according to the type and severity of the offenses subject to penalty surcharge under paragraph (1) and other necessary matters shall be determined by Presidential Decree. <Amended by Act No. 7813, Dec. 30, 2005>

(3) When a person who is obligated to pay a penalty surcharge under paragraph (1) fails to do so by due date, the Minister of Science and ICT shall collect it in the same manner as delinquent national taxes are collected. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

Article 14 (Inspection) (1) In order to confirm the following matters intended to ensure the safety and reliability of certification work and to protect subscribers, etc., the Minister of Science and ICT may order a licensed certification authority to submit the relevant documents and materials and to authorize the relevant public official to enter its office, work site, or any other necessary premises to inspect facilities, equipment, books, records, and other items concerning certification work: <Amended by Act No. 6585, Dec. 31, 2001; Act No. 7813, Dec. 30, 2005; Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

1. Whether or not the procedures and methods of an identity confirmation by a licensed certification authority under Article 15 are appropriate;

2. Whether or not the safety and reliability of confirmation work provided in Articles 18-3, 19 through 22, 22-2, 23, and 24 are ensured.

(2) Where the Minister of Science and ICT authorizes the relevant public official to inspect pursuant to paragraph (1), he or she shall notify the relevant licensed certification authority of the inspection plans such as the inspection date, and details of and reasons for inspection, not later than seven days before the beginning of inspection. <Newly Inserted by Act No. 7813, Dec. 30, 2005; Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

(3) A public official who enters the premises to conduct an inspection pursuant to paragraph (1) shall show a certificate verifying his or her authority to interested persons and shall deliver to the interested persons at the time of entry the document containing his or her name, time of entry, purpose of entry, etc. <Amended by Act No. 7813, Dec. 30, 2005>

CHAPTER III AUTHORIZED CERTIFICATES

Article 15 (Issuance of Authorized Certificates) (1) A licensed certification authority shall issue an authorized certificate to a person who applies for the issuance of an authorized certificate. In such cases, the licensed certification authority shall verify the identity of the applicant. <Amended by Act No. 6585, Dec. 31, 2001>

(2) An authorized certificate issued by a licensed certification authority shall contain such particulars as set forth in the following: <Amended by Act No. 6585, Dec. 31, 2001>

1. Subscriber's name (in cases of a corporation, its name or trade name);
2. Subscriber's digital-signature-verifying key;
3. Methods of digital signature used by the subscriber and the licensed certification authority;
4. Serial number of the authorized certificate;
5. Period of validity of the authorized certificate;
6. Name of the licensed certification authority and other information that can be used to verify the identity of the licensed certification authority;
7. If there is any limit imposed on the scope or purposes of the use of the authorized certificate, matters pertaining thereto;

8. If the subscriber has the proxy, etc. to act for another or if he or she asks his or her professional title, etc. to be entered, matters pertaining thereto;

9. A mark verifying the authorized certificate.

(3) Deleted.<by Act No. 6585, Dec. 31, 2001>

(4) If a person applies for the issuance of an authorized certificate, a licensed certification authority may issue an authorized certificate having limits on the scope or purposes of its use.<Amended by Act No. 6585, Dec. 31, 2001>

(5) A licensed certification authority shall set a period of validity of an authorized certificate at an appropriate level, taking into account the scope or purposes of its use as well as the safety and reliability of the computing technology used for its issuance.<Amended by Act No. 6585, Dec. 31, 2001>

(6) Necessary matters concerning the procedures and methods of verifying the identity of an applicant for the issuance of an authorized certificate shall be prescribed by Ordinance of the Ministry of Science and ICT.<Newly Inserted by Act No. 6585, Dec. 31, 2001; Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

[Title Amended on Dec. 31. 2001]

Article 16 (Invalidation of Authorized Certificates) (1) Where any of the following circumstances arises, with respect to an authorized certificate issued by a licensed certification authority, such authorized certificate shall become invalid at the time of the occurrence of such circumstances: <Amended by Act No. 6360, Jan. 16, 2001; Act No. 6585, Dec. 31, 2001>

1. Where the period of validity of an authorized certificate expires;
2. Where the designation of a licensed certification authority is revoked under Article 12 (1);
3. Where the validity of an authorized certificate is suspended under Article 17;
4. Where an authorized certificate is revoked under Article 18;
5. Deleted.<by Act No. 6585, Dec. 31, 2001>

(2) Where the digital-signature-creating key of a licensed certification authority, whose certification work was ceased or closed under Article 10 or suspended under Article 12, has been lost, damaged, stolen, or disclosed, etc., the Minister of Science and ICT may, for ensuring the safety and reliability of certification work, suspend the validity of all authorized certificates issued by the relevant licensed certification authority.<Amended by Act

No. 7813, Dec. 30, 2005; Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

(3) When the Minister of Science and ICT has suspended the validity of authorized certificates pursuant to paragraph (2), he or she shall instruct the Internet Security Agency to take, without delay, necessary measures to ensure that this information is at all times accessible to the public. The same shall also apply where authorized certificates shall become invalid pursuant to paragraph (1) 2. <Amended by Act No. 6585, Dec. 31, 2001; Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

[Title Amended on Dec. 31. 2001]

Article 17 (Suspension of Validity of Authorized Certificates) (1) If there is a request on the part of a subscriber or his or her agent, a licensed certification authority shall suspend the validity of an authorized certificate or restore the suspended validity. In such cases, the request for the restoration of its validity shall be made within six months from the date the validity of the authorized certificate was suspended. <Amended by Act No. 6585, Dec. 31, 2001>

(2) Where a licensed certification authority has suspended or restored the validity of an authorized certificate under paragraph (1), it shall, without delay, take necessary measures to ensure that this information is at all times accessible to the public. <Amended by Act No. 6585, Dec. 31, 2001>

[Title Amended on Dec. 31. 2001]

Article 18 (Revocation of Authorized Certificates) (1) In any of the following circumstances with respect to an authorized certificate, a licensed certification authority shall revoke the certificate: <Amended by Act No. 6585, Dec. 31, 2001; Act No. 16755, Dec. 10, 2019>

1. Where a subscriber or his or her agent requests the revocation of an authorized certificate;
2. Where a licensed certification authority becomes aware that a subscriber has been issued an authorized certificate by fraud or other improper means;
3. Where a licensed certification authority becomes aware that a subscriber has been declared dead or missing by a court, or that a subscriber as a corporation has been dissolved;
4. Where a licensed certification authority becomes aware that a subscriber's digital-signature-creating key has been lost, damaged, stolen, or disclosed to a third party.

(2) Where a licensed certification authority has revoked an authorized certificate under paragraph (1), it shall, without delay, take necessary measures to confirm such fact.

<Amended by Act No. 6585, Dec. 31, 2001>

[Title Amended on Dec. 31. 2001]

Article 18-2 (Personal Identification by Authorized Certificates) A person may identify himself or herself by means of an authorized certificate issued by a licensed certification authority under this Act unless the act of identifying himself or herself by such means is restricted or precluded by any other statute.

[This Article Newly Inserted by Act No. 6585, Dec. 31, 2001]

CHAPTER IV ENSURING SAFETY AND RELIABILITY OF CERTIFICATION WORK

Article 18-3 (Ensuring Safety of Licensed Certification Authorities) A licensed certification authority shall take protective measures prescribed by Ordinance of the Ministry of Science and ICT to ensure safety of facilities related to certification work.

<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

[This Article Newly Inserted by Act No. 6585, Dec. 31, 2001]

Article 19 (Operation of Certification Work Systems) (1) A licensed certification authority shall safely operate its facilities and equipment for performing certification work, including a certification work system that serves to enable the public to ascertain at all times whether the authorized certificates it issues remain valid.

(2) A licensed certification authority shall be subject to a regular inspection by the Internet Security Agency to ascertain whether its facilities and equipment provided in paragraph (1) are safely operated.<Amended by Act No. 11690, Mar. 23, 2013>

(3) Where a licensed certification authority replaces the facilities and equipment provided in paragraph (1) after it was designated as such, it shall, without delay, file a report on such change to the Minister of Science and ICT. In such cases, the Minister of Science and ICT may authorize the Internet Security Agency to inspect the relevant new facilities and equipment to determine whether they are safe.<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017; Act No. 16755, Dec. 10, 2019>

[This Article Wholly Amended by Act No. 6585, Dec. 31, 2001]

Article 20 (Time-Stamping of Electronic Messages) A licensed certification authority may time-stamp through an authorized digital signature presentation of an electronic message for its certification, if there is any request therefor on the part of a subscriber or an authorized certificate user (hereinafter referred to as "user"). <Amended by Act No. 6585, Dec. 31, 2001; Act No. 7813, Dec. 30, 2005; Act No. 16755, Dec. 10, 2019>

Article 21 (Control of Digital-Signature-Creating Keys) (1) A subscriber shall hold and keep control of his or her digital-signature-creating key in a secure manner; and when he or she becomes aware that it has been lost, damaged, stolen, or disclosed to a third person or that it is in danger of being damaged, he or she shall notify the licensed certification authority of such fact. In such cases, the subscriber shall, without delay, inform the users of the contents of the notification he or she has given to the licensed certification authority. (2) A licensed certification authority shall provide its subscribers with a means by which they can inform or notify such facts as referred to in paragraph (1). (3) A licensed certification authority shall not hold a subscriber's digital-signature-creating key unless the subscriber so requests; notwithstanding, if at the request of a subscriber it holds his or her digital-signature-creating key, it shall not use or disclose such key without the consent of the subscriber.<Amended by Act No. 16755, Dec. 10, 2019> (4) A licensed certification authority shall hold and keep control of the digital-signature-creating key that it is using, in a secure manner. When it becomes aware that such digital-signature-creating key has been lost, damaged, stolen, or disclosed or that the digital-signature-creating key is in danger of being damaged, it shall, without delay, notify the Internet Security Agency thereof and take such measures as to secure the safety and reliability of certification work.<Amended by Act No. 11690, Mar. 23, 2013; Act No. 16755, Dec. 10, 2019>

[This Article Wholly Amended by Act No. 6585, Dec. 31, 2001]

Article 22 (Keeping Records of Certification Work) (1) A licensed certification authority shall keep and maintain records of the issuance of authorized certificates for its subscribers and the performance of its certification work in a secure manner. <Amended by Act No. 6585, Dec. 31, 2001>

(2) A licensed certification authority shall keep its subscribers' certificates, etc. for a period of 10 years after the date the relevant certificates become invalid. <Amended by Act No. 6585, Dec. 31, 2001; Act No. 16755, Dec. 10, 2019>

Article 22-2 (Management of Authorized Certificates) (1) A licensed certification authority and its subscribers shall exercise due care to maintain the accuracy and integrity of the contents of the relevant authorized certificate or the information associated with the authorized certificate during its period of validity. <Amended by Act No. 16755, Dec. 10, 2019>

(2) A licensed certification authority shall provide users with an easy way to ascertain the following by using the authorized certificate: <Amended by Act No. 16755, Dec. 10, 2019>

1. Name of the licensed certification authority and other information that can help verify the identity of the licensed certification authority;
2. The fact that the subscriber is controlling and managing the digital-signature-creating key at the time of the issuance of the relevant authorized certificate;
3. The fact that the digital-signature-creating key remained valid prior to the issuance of the authorized certificate.

(3) A licensed certification authority shall provide users with an easy way to ascertain the following:

1. Methods by which the identity of the signer can be verified;
2. Limits on the purpose of use of, or the amount permissible for, the digital-signature-creating key or the authorized certificate;
3. The scope or limits of liability borne by the licensed certification authority.

[This Article Newly Inserted by Act No. 6585, Dec. 31, 2001]

Article 22-3 (Filing Reports on Failure in Certification Work) (1) Where any failure occurs in the information processing systems that provide the certification work, a licensed certification authority shall, without delay, file a report on such fact to the Minister of Science and ICT or the president of the Internet Security Agency, and shall prepare the countermeasures to swiftly recover the failure. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

(2) When the Minister of Science and ICT or the president of the Internet Security Agency has received a report on failure in certification work under paragraph (1), he or she shall take the following measures: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013;

[Act No. 14839, Jul. 26, 2017>](#)

1. Collection and dissemination of the information on failure;
2. Technological support and cooperation concerning recovering failure.

[\[This Article Newly Inserted by Act No. 6585, Dec. 30, 2005\]](#)

Article 23 (Protection of Digital-Signature-Creating Keys) (1) No person shall steal or disclose another person's digital-signature-creating key. [<Amended by Act No. 6585, Dec. 31, 2001>](#)

(2) No person shall have an authorized certificate issued in the name of another person, or support such issuance. [<Amended by Act No. 6585, Dec. 31, 2001>](#)

(3) No person shall use a similar mark that leads or may lead others to confuse an unauthorized certificate, etc. with an authorized certificate or falsely indicate the use of an authorized certificate. [<Newly Inserted by Act No. 6585, Dec. 31, 2001>](#)

(4) No person shall unlawfully use an authorized certificate beyond the scope or purposes of its use. [<Newly Inserted by Act No. 7813, Dec. 30, 2005>](#)

(5) No person shall transfer or lend an authorized certificate to other persons for the purpose of having them exercise any right related to the certificate, or cause other persons to transfer or lend an authorized certificate to him or her for the purpose of exercising any right related thereto. [<Newly Inserted by Act No. 7813, Dec. 30, 2005>](#)

[\[Title Amended on Dec. 31, 2001\]](#)

Article 24 (Protection of Personal Information) (1) A licensed certification authority shall protect personal information regarding performance of its certification work.

(2) Deleted. [<by Act No. 10465, Mar. 29, 2011>](#)

[\[This Article Wholly Amended by Act No. 6585, Dec. 31, 2001\]](#)

Article 25 (Digital Signature Certification Control Service) (1) In order to create an environment in which the public may safely and reliably use digital signatures and to exercise efficient control over licensed certification authorities, the Internet Security Agency shall perform the following business affairs: [<Amended by Act No. 11690, Mar. 23, 2013>](#)

1. In cases of designating a licensed certification authority under Article 4, assistance with the examination of such facilities and equipment as the applicant for the designation shall prepare to meet requirements for such designation;
2. Assistance with the inspection of a licensed certification authority as provided in Article 14 (1);

3. Examination of and technical assistance for protective measures as provided in Article 18-3;
4. Regular inspection as provided in Article 19 (2) as to whether facilities and equipment are securely operated;
5. Certification work, such as the issuance and control of authorized certificates for the licensed certification authorities;
6. Development of technology relating to digital signature certification, dissemination thereof, and research on standardization thereof;
7. Assistance with the promotion of international cooperation, including research on systems relating to digital signature certification and the reciprocal recognition thereof;
8. Other necessary matters concerning digital signature certification control service.

(2) Articles 6, 7, 15 through 18, 18-2, 18-3, 19 (1), and 22 shall apply mutatis mutandis to the digital signature certification control service of the Internet Security Agency. In such cases, "licensed certification authority" shall be construed as the "Internet Security Agency"; and "subscriber" as "licensed certification authority".[.<Amended by Act No. 7813, Dec. 30, 2005; Act No. 11690, Mar. 23, 2013>](#)

(3) The Internet Security Agency may levy charges, etc. for its performance of digital signature certification control service under paragraph (1), such as examination, technical assistance, inspection, and issuance of authorized certificates.[.<Amended by Act No. 11690, Mar. 23, 2013>](#)

[\[This Article Wholly Amended by Act No. 6585, Dec. 31, 2001\]](#)

Article 25-2 (Obligation of Users) The users shall take the following measures in order to verify whether or not a certified digital signature is authentic by referring to the particulars, etc. in the authorized certificate as set forth in Article 15 (2) 1 through 6:

- (a) A measure to ascertain whether the authorized certificate remains valid;
- (b) A measure to ascertain whether the authorized certificate has been suspended or revoked;
- (c) A measure to ascertain such matters as those set forth in Article 15 (2) 7 and 8.

[\[This Article Newly Inserted by Act No. 6585, Dec. 31, 2001\]](#)

Article 25-3 (Prohibition on Demanding Specific Authorized Certificates) In verifying a digital signature by means of an authorized certificate, no person shall demand an authorized

certificate issued only by a specific licensed certification authority without any justifiable reason therefor.

[This Article Newly Inserted by Act No. 6585, Dec. 31, 2001]

Article 26 (Liability) (1) Where a licensed certification authority has caused damages to the subscribers or the users who have trusted its authorized certificates in connection with the performance of the certification work, it shall compensate such damages: Provided, That if the licensed certification authority proves that it has no fault, such liability shall be exempted.

(2) A licensed certification authority shall purchase insurance for compensating the damages under paragraph (1).

[This Article Wholly Amended by Act No. 6585, Dec. 31, 2001]

CHAPTER V ADOPTION OF DIGITAL SIGNATURE CERTIFICATION POLICY

Article 26-2 (Formulation of Policies for Development of Digital Signature Certification System) The Government shall formulate and implement policies on the following matters in order to promote the development of digital signature and certification work, by ensuring the safety and reliability of digital signatures, promoting the widespread use thereof, etc.:

1. Matters concerning a basic policy for ensuring the safety and reliability of digital signature and promoting the widespread use thereof;
2. Matters concerning policies for smooth interoperability of digital signatures and matters concerning technological standardization for such certificates;
3. Matters concerning development of digital signature-related technology;
4. Matters concerning education and publicity designed for the promotion of widespread use of digital signature;
5. Matters concerning improvement in systems and readjustment of the relevant statutes or regulations to promote widespread use of digital signatures;
6. Matters concerning the provision of assistance and relevant information to organizations related to digital signatures;
7. Matters concerning the protection of rights and interests of subscribers and users that are related to certification work;

8. Matters concerning the reciprocal recognition of foreign digital signature and certificates as well as the promotion of international cooperation;
9. Matters concerning the promotion of a digital signature-related industry and the training of manpower available for the industry;
10. Matters concerning protective measures to ensure the safety of a licensed certification authority;
11. Matters concerning the adoption of pilot projects designed for the promotion of widespread use of digital signatures as well as matters concerning the survey of statistics and actual conditions in relation to the use of digital signature;
12. Matters concerning the use of encryption designed to ensure the safety and reliability of electronic messages;
13. Other matters necessary for ensuring the safety and reliability of digital signatures and for promoting the widespread use of digital signatures.

[This Article Newly Inserted by Act No. 6585, Dec. 31, 2001]

Article 26-3 (Interoperability of Digital Signatures) (1) The Minister of Science and ICT shall conduct the following in order to promote smooth interoperability of digital signatures:

<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

1. Survey and research of, and development on, domestic and foreign standards for interoperability of digital signatures;
2. Establishment of standards related to interoperability of digital signatures and promotion of widespread use thereof;
3. Adjustment of digital signatures and certification policy for interoperability of digital signatures;
4. Other matters concerning interoperability of digital signatures.

(2) Where necessary to conduct affairs set forth in the subparagraphs of paragraph (1), the Minister of Science and ICT may cause the relevant agency or organization to act for him or her. In such cases, he or she may subsidize the expenses incurred therein as prescribed by Ordinance of the Ministry of Science and ICT.

<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

[This Article Newly Inserted by Act No. 6585, Dec. 31, 2001]

Article 26-4 (Development of Digital Signature-Related Technology and Manpower Training)

The Minister of Science and ICT shall promote the following matters for the purposes of technological development and specialized manpower training that are necessary to promote the widespread use of digital signatures: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

1. Matters concerning research on digital signature-related technological level, technological research and development, and application thereof;
2. Matters concerning cooperation in and transfer of digital signature-related technology;
3. Matters concerning the provision of information on digital signature-related technology and the promotion of cooperation with agencies and organizations related thereto;
4. Matters concerning research on the supply of and demand for manpower specializing in digital signatures and assistance for specialized manpower training;
5. Other matters necessary for the development of digital signature-related technology and manpower training.

[This Article Newly Inserted by Act No. 6585, Dec. 31, 2001]

Article 26-5 (Implementation of Digital Signature-Related Pilot Projects) (1) The Minister of Science and ICT may conduct pilot projects to promote the wide use of digital signatures as prescribed by Ordinance of the Ministry of Science and ICT. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

(2) The Government may provide administrative, financial, and technical assistance in conducting pilot projects under paragraph (1).

[This Article Newly Inserted by Act No. 6585, Dec. 31, 2001]

Article 26-6 (Assistance to Promote Use of Digital Signatures) (1) The State or local governments may provide financial assistance to promote the use of digital signatures.

(2) In order to ensure the safety and reliability of electronic commerce, the Government may formulate and implement policies to reduce, or to give exemption from, fees, etc. payable for electronic commerce if certified digital signatures are used in electronic transactions.

(3) Where a corporation or an organization related to digital signatures conducts a project to encourage the use of digital signatures, the Government may subsidize wholly or partially the expenses required for the execution of the relevant project within the budget.

<Amended by Act No. 16755, Dec. 10, 2019>

[This Article Newly Inserted by Act No. 6585, Dec. 31, 2001]

Article 26-7 Deleted. <by Act No. 10008, Feb. 4, 2010>

CHAPTER VI SUPPLEMENTARY PROVISIONS

Article 27 (Protection of Subscribers and Users) (1) The Government shall adopt such necessary measures as to deal with the complaints filed or damages suffered by subscribers and users in a prompt and fair manner.

(2) Detailed matters concerning measures as provided in paragraph (1) shall be prescribed by Ordinance of the Ministry of Science and ICT.<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

[This Article Newly Inserted by Act No. 6585, Dec. 31, 2001]

[Previous Article 27 moved to Article 27-2 <by Act No. 6585, Dec. 31, 2001>]

Article 27-2 (Reciprocal Recognition) (1) The Government may enter into an agreement with a foreign government on the reciprocal recognition of digital signatures.

(2) In cases of the conclusion of an agreement under paragraph (1), the agreement may provide for granting a foreign certification authority or a certificate issued thereby the same legal status or effect as the licensed certification authority or the authorized certificate as provided in this Act.<Amended by Act No. 6585, Dec. 31, 2001>

(3) When an agreement on the reciprocal recognition of digital signatures has been concluded with a foreign government under paragraph (1), the Minister of Science and ICT shall publicly notify the contents of the agreement.<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

(4) If an agreement has been concluded with a foreign government under paragraph (1), a foreign digital signature or certificate shall be deemed to have the same legal effect as an authorized digital signature or an authorized certificate.<Newly Inserted by Act No. 6585, Dec. 31, 2001>

[Moved from Article 27 by Act No. 6585, Dec. 31, 2001]

Article 28 (Imposition of Fees) A licensed certification authority may impose necessary fees, such as service charges, on those who apply for the issuance of an authorized certificate or

who receive certification services. <Amended by Act No. 6585, Dec. 31, 2001>

Article 29 (Hearings) The Minister of Science and ICT shall hold a hearing if he or she intends to revoke a designation in accordance with Article 12 (1). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

Article 30 (Delegation of Authority) Part of the authority of the Minister of Science and ICT under this Act may be delegated or entrusted to the head of a subordinate agency or the president of the Korea Post, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

CHAPTER VII PENALTY PROVISIONS

Article 31 (Penalty Provisions) Any of the following persons shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 30 million won: <Amended by Act No. 6585, Dec. 31, 2001>

1. A person who holds a subscriber's digital-signature-creating key without receiving any request from the latter or who uses or discloses a subscriber's digital-signature-creating key without the consent of the latter, who has asked the former to hold such key, in violation of Article 21 (3);
2. A person who steals or discloses another person's digital-signature-creating key, in violation of Article 23 (1);
3. A person who has an authorized certificate issued in the name of another person or supports such issuance, in violation of Article 23 (2).

Article 32 (Penalty Provisions) Any of the following persons shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding 10 million won: <Amended by Act No. 7813, Dec. 30, 2005>

1. A person who fails to keep the subscribers' certificates, etc., in violation of Article 22 (2);
2. Deleted; <by Act No. 7813, Dec. 30, 2005>
3. A person who uses an authorized certificate beyond the scope or purposes of its intended use, in violation of Article 23 (4);
4. A person who transfers or lends an authorized certificate to other persons for the purpose of having them exercise authority related thereto, or who cause other persons to

transfer or lend an authorized certificate to him or her for the purpose of exercising authority related thereto, in violation of Article 23 (5).

[This Article Wholly Amended by Act No. 6585, Dec. 31, 2001]

Article 33 (Joint Penalty Provisions) If the representative of a juristic person, or an agent or employee of, or any other person employed by, the juristic person or an individual commits a violation under Article 31 or 32 with respect to the business affairs of the juristic person or individual, not only shall such offender be punished, but also the juristic person or individual shall be punished by a fine under the relevant Article: Provided, That this shall not apply where such juristic person or individual has not been negligent in giving due attention and supervision concerning the relevant business affairs to prevent such violation.

[This Article Wholly Amended by Act No. 6585, Dec. 31, 2001]

Article 34 (Administrative Fines) (1) Any of the following persons shall be subject to an administrative fine not exceeding five million won: <Amended by Act No. 6585, Dec. 31, 2001; Act No. 7813, Dec. 30, 2005; Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

1. A person who fails to file a report on, or a report on the modification of, the rules of certification work, in violation of Article 6 (1) or (3) (including cases of application mutatis mutandis as referred to in Article 25 (2)) or who fails to implement an order to modify the rules of certification work as provided in paragraph (4) of said Article (including cases of application mutatis mutandis as referred to in Article 25 (2));
2. A person who refuses to provide certification services without good cause, or unjustly discriminates against subscribers or users, in violation of Article 7 (including cases of application mutatis mutandis as referred to in Article 25 (2));
3. A person who fails to file a report under Article 9 (1);
4. A person who fails to notify his or her subscribers of the cessation of certification work as provided in Article 10 (1) or the closure thereof as provided in paragraph (2) of said Article or fails to report thereon to the Minister of Science and ICT;
5. A person who fails to transfer the subscribers' certificates, etc. to another licensed certification authority or fails to file a report on the impossibility of such transfer, without good cause, in violation of Article 10 (3) or 12 (2);

6. A person who fails to submit the relevant documents and materials as referred to in Article 14 (1) or submits false records, or who refuses, obstructs, or evades an entrance and inspection by the relevant public officials;
 7. A person who fails to give a notification as provided in Article 21 (4);
 - 7-2. A person who fails to file a report on a failure that occurred in the information processing systems providing the certification work under Article 22-3 (1);
 8. A person who uses a similar mark that leads or may lead others to confuse an unauthorized certificate, etc. with an authorized certificate, or who falsely indicates the use of an authorized certificate, in violation of Article 23 (3);
 9. A person who demands only the authorized certificate of a specific licensed certification authority, in violation of Article 25-3;
 10. A person who fails to purchase insurance, in violation of Article 26 (2).
- (2) Administrative fines under paragraph (1) shall be imposed and collected by the Minister of Science and ICT as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>
- (3) Deleted. <by Act No. 14577, Mar. 14, 2017>
- (4) Deleted. <by Act No. 14577, Mar. 14, 2017>
- (5) Deleted. <by Act No. 14577, Mar. 14, 2017>