



Taiwan PKI Related Development

TCPKIC & ITRI
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Taiwan E-Signature Regulation

Electronic Signatures Act

- Providing the **electronic record**, the **electronic signature**, the **digital signature**, and the **certificate service provider**

Enforcement Rules of the Electronic Signatures Act

Regulations on Required Information for Certification Practice Statements

- Provisions include Identification and Authentication, Operational Requirements, Non-Technical Security Controls, Technical Security Controls, and Certificate Profile

Regulations Governing Permission of Foreign Certification Service Providers

- foreign certification service provider shall apply for the permission and submit certification practice statement
- the application may be waived if the foreign certification service provider has accredited by other countries, regional organizations, or international organizations entering into bilateral or multilateral agreements or arrangements with Taiwan

Other Related Legislation

Data Processing & Protection	Personal Data Protection Act (2023 amend.)
Privacy	Civil Code(2021 amend.) art.195 Constitutional Court Interpretation no. 293, 509, 525, 585, 603, 689
Cybersecurity	Cyber Security Management Act (2018)
Consumer protection	Consumer Protection Act (2015)
Freedom of Expression	Constitution of the Republic of China (Taiwan) art. 11
Good Administration	Administrative Procedure Act (2021 amend.) The Freedom of Government Information Law (2005)

Comparison of Legal Effect



Electronic Signatures Act (2001)

Electronic Signature

data **attached to** and associated with an electronic record, and executed with the intention of **identifying and verifying the identity or qualification of the signatory** of the electronic record and **authenticating the electronic record**

Digital Signature

- an electronic signature generated by the use of mathematic algorithm or other means to create a certain length of digital data encrypted by the signatory's private key, and capable of being verified by the public key
- supported by a **certificate** issued by a **certification service provider** whose certification practice statement is **approved by competent authority**

Intensity of Legal Effect : indistinction



eIDAS Regulation (2014)

Simple Electronic Signature

Advanced Electronic Signature

Qualified Electronic Signature

Similar to

Similar to

Intensity of Legal Effect : distinction (qualified electronic signature shall have the equivalent legal effect of a handwritten signature)

Continuous Development



Revising ESA to distinguish the intensity of legal effect between electronic signatures and digital signatures

- Make digital signatures have the equivalent legal effect of handwritten signatures, and **accept digital signatures as prima facie evidence that the document was signed by the individual designated as the owner there**, unless the opponent adduced some evidence to the contrary
- **Draft Amendment of the ESA has been announced by MODA on June 27, 2023**



To develop the registration system for electronic signatures and associated services

- Establish, maintain and promote electronic signatures, digital signatures and associated service providers lists
- Better mapping to ES and AES of eIDAS



To revise or develop regulations for Certification Service Providers to mapping with international standards



THANK YOU FOR LISTENING