

Unofficial translation:

Electronic Signature Law, 5761 - 2001

Chapter 1 : General

1. Definitions

In this Act –

“Signature Verification Device” – unique software, object or information required for verifying that a secure electronic signature was created using a specific Signing device;

“Signing Device” – unique software, object or information required for creating a secure electronic signature;

“Certification Authority” – an authority that issues electronic certificates, and is registered in the Registry under the provisions of this Law;

“Foreign Certification Authority” - an authority recognized under section 22, and registered in the Registry under the provisions of this Law;

“Electronic Signature” – a signature that is electronic data or an electronic sign, that is attached to or associated with an electronic message;

“Secure Electronic Signature” – an electronic signature which meets all of the following requirements:

- (1) It is unique to the owner of the Signing Device;
- (2) it enables apparent identification of the owner of the Signing Device;
- (3) it is created using a Signing Device that can be maintained under the sole control of the owner of the Signing Device;
- (4) it enables identification of any change to the electronic message subsequent to signing;

“Certified Electronic Signature” – a secure electronic signature for which a Certification Authority has issued an electronic certificate regarding the signature verification device required for verifying it;

“Computer”, “computer data”, “output” and “penetration of computer material”, as defined in sections 1 and 4 of the Computers Law, 5755-1995.

“Electronic Message” – information generated, sent, received or stored by electronic or optical means, while it is seen, read, heard or retrieved by aforesaid means;

“Registry” – the registry as described in section 9;

“Registrar” – the registrar appointed under section 9;

“Electronic Certificate” – an electronic message issued by a certification authority, under the provisions of Chapter 4, confirming that a certain signature verification device belongs to a certain person;

“Minister”- the Minister of Justice.

Chapter 2 : Validity of a Secure Electronic Signature

Signature Required by Law	<p>2. (a) For any law requiring a signature on a document - such requirement may be fulfilled, in respect of an electronic message, by use of an electronic signature, provided that it is a certified electronic signature;</p> <p>(b) The provisions of subsection (a) will not apply to laws which the Minister, following approval of the Constitution, Legislation and Law Committee of the Knesset, set forth in the First Schedule.</p>
Admissibility of a Secure Electronic Signature	<p>3. An electronic message signed with a secure electronic signature is admissible in any legal procedure, and will constitute prima-facie evidence that :</p> <p>(1) the signature is that of the owner of the signing device;</p> <p>(2) the electronic message is that which was signed by the owner of the signing device.</p>
Presumption Regarding Certified Electronic Signatures	<p>4. A certified electronic signature is presumed to be a secure electronic signature.</p>
Certification Authority Certificate	<p>5. (a) A court of law may accept as evidence, unless it finds distortion of justice, any certificate signed by a manager of a Certification Authority or on his behalf, certifying that a certain electronic certificate was issued by that Certification Authority (hereinafter – Certification Authority Certificate); Said certificate will be in such form as established by the Minister.</p> <p>(b) A Certification Authority Certificate shall be considered Testimony for the purpose of Section 237 of the Penal Code-1977.</p> <p>(c) The provisions of subsection (a) will not derogate from the court's authority to order that the Manager of the Certification Authority or any person on his behalf who signed the Certification Authority Certificate, be summoned for interrogation in court, and the court will grant request by any party to order so.</p> <p>(d) If the court finds that the request for interrogation of the Certification Authority manager or any person on his behalf , as described in subsection (c), was vexatious or reckless, the court may impose interrogation costs on the requesting party.</p>
Status of Computer	<p>6. (a) Any output of an electronic message signed with a secure electronic signature, will not be regarded, in any legal proceeding,</p>

Output as a copy of the electronic message based on which it was produced, but as the original message.

(b) The provisions of subsection (a) will not apply to any type of electronic message, categories of legal proceeding or any uses of data messages as set forth in the Second Schedule by the Minister and approved by the Constitution, Legislation and Law Committee of the Knesset.

Duties and Liability of Owner of Signing Device

7. (a) The owner of a signing device shall –

- (1) Take all reasonable steps to protect his signing device and to prevent unauthorized use thereof;
- (2) Notify, immediately upon the discovery that his signing device has been compromised, anyone who might reasonably rely on his electronic signature based on routine relations between them and anyone whom he knows will probably rely on his electronic signature;

(b) The owner of a signing device who fulfills his obligations as set forth in subsection (a), will not be liable for any damage caused by unauthorized use of his signing device.

Duties and Liabilities of Owner of a Certified Signature Signing Device

8. (a) The owner of a Certified Signature Signing Device shall –

- (1) Comply with the provisions of section 7(a)(1);
- (2) Provide the Certification Authority, upon such request, with information that is, to the best of his knowledge, correct and complete, as is required by the Certification Authority for carrying out its tasks under this Law;
- (3) Notify the Certification Authority that issued the electronic certificate, immediately upon discovery that his signing device has been compromised.

(b) The owner of a certified signature signing device who fulfills his obligations as set forth in subsection (a), will not be liable for any damage caused by unauthorized use of his signing device.

Chapter 3 : Registration

Certification Authority Registrar

9. (a) The Minister shall appoint, from among the employees of the Ministry, a person qualified for being a Magistrates court judge, to be the Registrar.

(b) The Registrar shall maintain a Registry in which he shall register Certification Authorities and Foreign Certification Authorities under the provisions of this Law; The Registry shall be open to the public.

(c) The Registrar shall supervise Certification Authorities under the provisions of this law.

Application for Certification Authority Registration

10. (a) Applications for registration of a Certification Authority shall be submitted to the Registrar, and shall include the following:

- (1) Name of applicant, name of intended Certification Authority manager, and address and identification details of each; In the event that the applicant is incorporated, the application shall also include

**Conditions for
Registration of
Certification
Authorities**

documents of incorporation or documents on the basis of which it operates, names of controlling shareholders in the corporation, as well as names of managers, their addresses and identification details. For this purpose - "control" - as it is defined in the Securities law, 1968, and every term in such definition shall be interpreted under said law;

(2) Information regarding additional occupations of the Applicant;

(3) Additional information as the Minister may prescribe.

(b) Documentation to indicate fulfillment of the required conditions of application under section 11, shall be enclosed with the application.

(c) The Registrar may require the applicant to submit any additional information or documents necessary for review of application.

11. (a) The Registrar shall register in the Registry any applicant who fulfills the provisions under this law as well as all of the following:

(1) He is a citizen or resident of Israel, a company incorporated in Israel or a Public Corporation or other Public Entity established by law, whose place of business or activity is in Israel, and among its objectives is conducting business or activity as a Certification Authority;

(2) He has trustworthy hardware and software systems, which provide reasonable protection from penetration, disruption, interference or damage to a computer or to computer material, and provide a reasonable level of availability and reliability;

(3) He filed a bank guarantee or other suitable guarantee, or insured himself with an Insurer as defined under the Law for Supervision of Insurance Businesses, 5741- 1981, all as will be prescribed by the Registrar, for ensuring compensation for anyone suffering damage due to an act or omission of the Certification Authority.

(4) He registered his Electronic Certificate Databases, described in section 18(c), as databases under the Protection of Privacy Law, 5741-1981;

(5) The applicant as well as intended manager have not been convicted of a crime; If applicant is a corporation - no acting director or controlling shareholder has been convicted of a crime.

In this subsection -

"convicted of a crime" - including persons against whom an indictment has been filed and final judgement has not yet been given;.

"crime" - a crime that its nature, severity or circumstances are such that it is inappropriate for Applicant to be registered as a Certification Authority;

"control" - as defined in section 10.

(b) The Registrar may impose additional terms for registration as well as prescribe limitations on the activity of the Certification Authority pertaining to scope or type of activity, taking into consideration, inter alia, any additional occupation of the applicant.

**Certification of
Certification
Authority
Signature
Verification
Device
Authority**

12. The Minister may prescribe that the Registrar will certify the signature verification device of Certification Authorities, using his secure electronic signature; In regulations under this section, the Minister shall prescribe the manner and details of such certification.

**Report of
Changes to
Registrar**

13. In the event of any change in the information filed under sections 10 and 11, the applicant or the Certification Authority, whichever applicable, will so notify the Registrar within 15 days from the day he became aware of the change.

**Deletion of
Certification
Authority
Registration or
Suspension of its
Effect**

14. (a) If the Registrar finds that any Certification Authority does not comply with any of the provisions under this Law, he shall demand of the Certification Authority to correct whatever requires correction and he may, after having giving the Certification Authority opportunity to present its arguments, suspend the effect of its registration for a period no longer than 30 days, or to delete it from the Registry.

(b) In the event that the Registrar suspended the effect of registration under the provisions of subsection (a), and found that by the end of the period of suspension, the matter in need of correction had not been corrected, he may extend the period of suspension by an additional 30 days; In the event that the Registrar finds that by the end of the period of extension the matter in need of correction had not yet been corrected, he will delete registration of the Certification Authority in the Registry.

(c) The Registrar will publish a notice of suspension or deletion under this section, in the manner prescribed by the Minister.

**Change of
Circumstance**

15. (a) If the Registrar finds that the hardware or software system maintained by the Certification Authority no longer complies with the conditions under section 11(a)(2), he may require that the Certification Authority make necessary adjustments under aforesaid conditions, within a period of time as he will prescribe.

(b) If the Registrar finds that circumstances have changed so as to require change of the guarantee or insurance provided under the provisions of section 11(a)(3), he may require change of the guarantee or insurance' within a period of time as he will prescribe.

(c) If the Certification Authority does not comply with the requirements under subsections (a) or (b), the Registrar may suspend the effect of registration or delete registration,

Appeal of Registrar's Decision

according to the provisions of section 14.

16. Appeal on any decision of the Registrar under this law may be filed with the District Court by anyone against whom such decision was made, within 45 days from the day on which he was notified of such decision.

Authority of Registrar

17.(a) To enable carrying out his duties, the Registrar or a State employee whom he appointed, in writing, for such purpose (in this section – the Registrar), may supervise the activities of Certification Authorities, as follows:

- (1) Demand of any person relating to the matter, to submit information and documentation referring to the activity of a Certification Authority;
- (2) Enter, after identifying himself, into any place where a Certification Authority operates, and conduct an inspection; However, he may not enter into a place that serves solely for residential purposes, without a court order;
- (3) Penetrate computer information and produce a printout thereof, provided that such penetration be conducted only by personnel trained in performance of such tasks;
- (4) Seize any object, including documents, if he finds that seizure is required to assure implementation of this Law, or to prevent violation of its provisions;

Regarding seizure of any object that is a computer or computer information, the following provisions shall apply:

- (a) The Registrar shall make a copy of the computer information, and will leave the original with the owner;
- (b) If the Registrar finds that leaving the original computer information with the owner might be disruptive to the supervision or its results, he will seize the original and leave a copy with the owner;
- (c) If the Registrar finds that copying the computer information or leaving it with the owner might be disruptive to the supervision or its results, he will seize the computer information without making a copy thereof;
- (d) The Registrar will not act under subsection (c) and will not seize any object that is a computer or a component thereof unless he obtains a court order;
- (e) The court will grant an order under this section only if it is convinced that seizure is necessary for conducting supervision; Such order will be in effect for no longer than 48 hours, and Saturdays and Holidays will not be taken into account; The court may extend the order, only after allowing the owner opportunity to state his claims.

- (b) The Registrar will not appoint anyone under subsection (a), unless all of the following requirements are met:
 - (1) The Police Department has not given notice that it objects to the appointment for reasons of public security;
 - (2) He is skilled at conducting penetrations into computer systems and producing output as a result thereof;
 - (3) He received appropriate training, as prescribed by the Minister.
- (c) When the Registrar acts under this section, the following provisions will apply:
 - (1) The Registrar shall maintain a list of all items seized in performance of the inspection, and the places in which they were found;
 - (2) The Certification Authority, or anyone on its behalf, will be allowed to be present during the inspection, and he will receive a copy of the list of seized items;
 - (3) The Magistrates Court under whose jurisdiction an object has been seized may, upon request of either the Registrar or anyone who claims rights in the object, order that the object be given to whoever claims rights to it or to anyone else or to act with it in any other manner, as prescribed by the court, and everything as under any conditions it may prescribe;
 - (4) A seized object will be returned as soon as possible, and no later than 15 days from the day it was seized.

Chapter 4 : Certification Authority

Activity of Certification Authority

18. (a) A Certification Authority may issue an Electronic Certificate to a specific person, upon his request (hereinafter – the Applicant), indicating that a certain Signature Verification Device belongs to him.

(b) A certification Authority will not issue an Electronic Certificate unless it has taken reasonable measures to identify the Applicant, to check his Signature Verification Device and assure that the information in the application for issuance of a Certificate is accurate and complete.

(c) A Certification Authority shall maintain a database of Electronic Certificates that it issued, as well as a database of revoked Electronic Certificates, in accordance with the provisions of this law.

(d) In order to perform its obligations, a Certification Authority shall use only trustworthy hardware and software systems which provide reasonable protection from penetration, disruption, interference or damage to a computer or to computer material, and provide a reasonable level of availability and reliability.

Specification of Electronic Certificate

19. (a) A Certification Authority shall include at least the following details in an Electronic Certificate:

- (1) Name of Certificate owner and his identification number, or any other identifying detail, as may be prescribed by the Minister;
- (2) Confirmation regarding inspection of the Certificate owner's Signature Verification Device;
- (3) Serial number of the Electronic Certificate in the database it maintains;
- (4) Notification of means of identification of Certificate owner;
- (5) Notification of beginning and ending dates for validity of the Certificate;
- (6) Name and address of the Certification Authority, and statement of registration in the Registry;
- (7) Secure Electronic Signature of the Certification Authority;
- (8) Information regarding restrictions on permissible uses according to the Certificate, as there may be, and in the event of a limit on transaction sum according to the Certificate – specification of said sum;
- (9) Information regarding limitations of Certification Authority Liability, if any exist;
- (10) Reference to the revoked Electronic Certificate database, in accordance with section 18(c).

(b) The Minister may, with the approval of the Knesset Committee for Scientific and Technological Research and Development, prescribe additional details to be included in an Electronic Certificate.

Revocation of an Electronic Certificate

20. (a) A certification Authority shall revoke an Electronic Certificate in any of the following:

- (1) Upon request from the owner of the Certificate, immediately following receipt of said request and verification of identity of whoever so requested;
- (2) Immediately upon discovery that part of the information in the Certificate is incorrect, or that the Certificate is no longer reliable for any other reason, or that the Signature Creation Device of the owner of the certificate is no longer reliable;
- (3) Following death of owner of Certificate, and if owner is a corporation – following an order for its liquidation, immediately upon receipt of such notice, provided that the Certification Authority has been convinced of the credibility of said notice;
- (4) Immediately upon discovery of fault with its Secure Electronic Signature or with its hardware and software system, that might derogate from the reliability of its signature or of the Certificates it issues.

(b) Upon revocation of an Electronic Certificate, a Certification

Authority shall immediately notify owner of the Certificate thereof, and shall record the revocation in a database in accordance with the provisions of section 18(c), in a manner as will be prescribed by the Minister.

**Certification
Authority
Liability**

21. (a) A Certification Authority will not be liable for any damage caused due to reliance on an Electronic Certificate that it issued, if it ascertains that it took all reasonable measures for fulfillment of its obligations under this Law;

(b) In the event that the Certification Authority limits Certificate uses or sums of transactions for which Certificates may be used, the Certification Authority shall not be liable for any damage caused due to use that exceeded any such limitation, provided that said limitation was specified in the Certificate, in accordance with the provisions of section 19; The provisions of this section will not be construed so as to affect the Certification Authority's right to prescribe additional limitations on its liability, subject to any law.

Chapter 5: Other

**Certificates of
Foreign
Certification
Authorities**

22. (a) The Registrar may recognize as a Certification Authority, any authority from outside the State of Israel that verifies Electronic Signatures, provided that he finds that it fulfills conditions similar to those required of anyone requesting registration under the provisions of this law; If the Minister prescribes additional conditions under subsection (d) – the Registrar must base his findings on fulfillment of any additional conditions as well.

(b) The Registrar will enter into the Registry any Foreign Certification Authorities recognized under subsection (a);

(c) An Electronic Certificate issued by any Foreign Certification Authority that has been recognized and registered under the provisions of this section, shall be treated as an Electronic Certificate issued by a Certification Authority in Israel, under this Law.

(d) The Minister may prescribe what constitutes similar conditions, for the purpose of subsection (a), as well as additional conditions for the recognition of a Foreign Certification Authority under this section.

**Applicability to
Governmental
Entities**

23. The minister of Justice may prescribe special conditions for the transmission of electronically signed messages to or from governmental entities, following approval of the Constitution, Law, and Legislation Committee of the Knesset.

**Implementation
and Regulations**

The Minister of Justice is charges with the implementation of this Law, and he may make regulations for its implementation, as well as prescribe the following –

(1) Fees for Registration in the Registry and viewing thereof;

- (2) Information to be included in the Registry, and directions as to maintenance thereof;
- (3) Means of viewing the Registry, including by way of electronic communication and the Government Internet Site;
- (4) Provisions regarding insurance, bank guarantee or any other guarantee, including type of guarantee, its amount, and means of filing, changing and foreclosing thereof, under sections 11(a)(3) and 15(b);
- (5) Additional conditions for registration of a Certification Authority, provisions regarding type and means of restricting its activity, and requirements regarding its operation, under section 11;
- (6) Provisions regarding management of valid and revoked or suspended electronic certificates, including means of viewing them, required period for retaining electronic certificates in the database and means of retention, under sections 14, 18 and 20;
- (7) Details in request for obtaining an electronic certificate, under section 18;
- (8) Information of which a Certification Authority must inform owner of the Signing Device, including information regarding the risks involved in using a Certified Electronic Signature, and the duties imposed on the owner of the Signing Device under this Law;
- (9) Types of systems presumed to be trustworthy hardware and software systems under sections 11, 15 and 18, as well as types of Electronic Signatures presumed to be Secure Electronic Signatures;
- (10) Methods for identification of applicant and inspections of his Signing Device, in order to obtain an Electronic Certificate, under section 18;
- (11) Information to be included in Electronic Certificates, and ways of presentation thereof;
- (12) Conditions for recognition of Foreign Certification Authorities, under section 22(d).

(b) (1) Regulations under subsections (1) through (8) shall be enacted with the approval of the Constitution, Law and Legislation Committee of the Knesset.

(2) Regulations under subsections (9) through (12) shall be enacted with the approval of the Knesset Committee for Scientific and Technological Research and Development.

Retention of Laws

25. This Law shall add and not derogate from the provisions of any other Enactment.

Requirement for Prescribing Regulations

26. Preliminary regulations under sections 2(b) and 6(b) shall be brought to the Constitution, Law and Legislation Committee of the Knesset for approval, within four months of publication of this Law.

Commencement 27. This Law shall come into force six months from date of its publication.

First Schedule
Section 2(b)

Second Schedule
Section 6(b)

Note: This is an unofficial translation. Only the Hebrew version of this law is binding.