

8275.0085 CERTIFICATE REVOCATION OR SUSPENSION.

Subpart 1. **Grounds.** The secretary may order a licensed certification authority to suspend or revoke a certificate that the certification authority issued if, after giving any required notice and opportunity for the certification authority and the subscriber to be heard according to Minnesota Statutes, chapter 325K, the secretary determines that:

A. the certificate was issued that does not comply with Minnesota Statutes, section 325K.10; and

B. the noncompliance poses a significant risk to persons reasonably relying on the certificate. In determining whether the noncompliance poses a significant risk, the secretary shall consider:

- (1) the financial impact on the relying party;
- (2) the nonfinancial consequences on the relying party;
- (3) whether it is continuing in nature;
- (4) whether it involved criminal conduct; and
- (5) whether it impaired the reliability of the certificate or key pair.

Subp. 2. **96-hour emergency suspension.** The secretary may issue an order according to Minnesota Statutes, section 325K.10, suspending a certificate for a period not to exceed 96 hours on determining that an emergency requires an immediate remedy. The secretary shall issue an order, including a finding of an emergency, and mail it and send it via electronic mail to the licensed certification authority at the addresses listed in its application.

Subp. 3. **96-hour suspension for other circumstances.** The secretary may issue an order according to Minnesota Statutes, section 325K.10, suspending a certificate for a period not to exceed 96 hours under circumstances described by Minnesota Statutes, section 325K.14. If the person requesting suspension fails to provide a statement under oath or affirmation regarding the person's identity or authorization to request suspension, the secretary shall not issue an order suspending the certificate unless the secretary is satisfied that discretion to enter the order should be exercised because the circumstances provide a sufficient basis for confidence of the person's identity and authority.

Statutory Authority: *MS s 325K.01; 325K.03; 325K.04; 325K.05; 325K.06; 325K.07*

History: *23 SR 1352*

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