

8275.0135 USE OF FOREIGN LICENSED CERTIFICATION AUTHORITIES.

Subpart 1. **Presumptions.** Digital signatures made pursuant to a certificate issued by a certification authority are entitled to the presumptions in Minnesota Statutes, sections 325K.19 to 325K.24:

A. if the parties mutually agree to the provisions in a contract;

B. if the certification authority obtains a license as a certification authority from the secretary; or

C. if the certification authority is licensed by a governmental entity other than the state of Minnesota and the secretary determines that the requirements for licensure in that jurisdiction are substantially similar to those in Minnesota as found in this chapter and Minnesota Statutes, chapter 325K. To make the determination, the secretary must receive from an interested party:

(1) a request stating the name; address; telephone number, including area code; and electronic mailing address of the interested party; and

(2) a copy, in English, of the applicable laws and rules under which the license has been issued.

Once the secretary has completed the determination, the interested party will be notified in writing, by mail, and electronic mail.

Subp. 2. Publication of information.

A. A list of the jurisdictions whose law has been determined to be substantially similar to that of Minnesota will be published in the secretary's repository and will be made available on request.

B. If a certification authority's approval is revoked following the procedures in subpart 3, notice of the revocation will be published in the secretary's repository and will be made available on request.

Subp. 3. **Loss of presumptions.** A digital signature made pursuant to a certificate issued by a certification authority licensed by a governmental entity whose law has been determined to be substantially similar to that of Minnesota is not entitled to the presumptions in Minnesota Statutes, sections 325K.19 to 325K.24, if:

A. a complaint about the certification authority is received by the secretary from a person whose transaction has been or will be performed in whole or in part in Minnesota;

B. an investigation is conducted by the secretary pursuant to the processes in this chapter for certification authorities licensed by the secretary; and

C. the secretary determines that denial of the presumptions is necessary due to the violation of the operating criteria in this chapter for licensed certification authorities and follows the procedures in Minnesota Statutes, chapter 14, to issue the revocation.

Subp. 4. **Application for renewed presumptions.** To regain the application of the presumptions in Minnesota Statutes, sections 325K.19 to 325K.24, a certification authority whose status has been revoked pursuant to subpart 3 must apply for and receive a license from the secretary and pay the reasonable costs of the investigation and hearing conducted under subpart 3.

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

History: *23 SR 1352*

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