

# Autoridad de Certificación de la Abogacía



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**Consejo General de la  
Abogacía Española**

## **CERTIFICATE POLICY (CP)**

### **CP6\_ACATC\_002.0**

# **THE LAW SOCIETY OF SCOTLAND QUALIFIED CERTIFICATES**

**(VERSION 002.0)**

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Change control

<b>Date</b>	<b>Version</b>	<b>Changes</b>
02/07/2014	CP6_ACATC_001.0	Initial version.
27/06/2016	CP6_ACATC_002.0	Added information of new PKI Hierarchy and its new certificates Changes applied to fulfil eIDAS requirements Changes in current services to accomplish new qualified services

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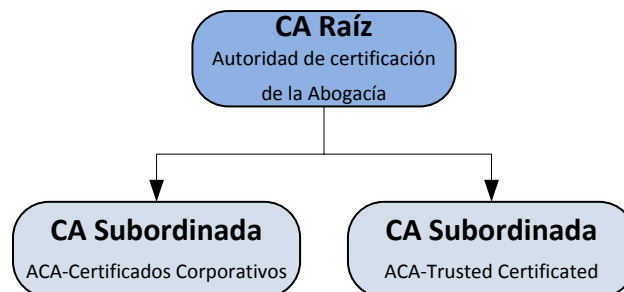
## 1. Introduction

### 1.1. Overview

The National Council of Spanish Bar Associations (CGAE) is the superior representative, coordinating and executive body of the Spanish Bar Associations and has, for all purposes, the status of public corporation, with its own legal personality and full capacity to comply with its objectives. In this sense, as stated in the transitional measure 3 of Article 51 of Regulation 910/2014 of the European Parliament and of the Council of 23 July 2014 relative to the electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/CE, a Certification Service Provider issuing recognized certificates in accordance with Directive 1999/93/CE should submit a conformity assessment report to the supervisory authority as soon as possible, no later than 1 July 2017. Until the Certification Service Provider presents this conformity evaluation report and the supervisory body finalizes its analysis, the Certification Service Provider mentioned above shall be considered as accredited trust service provider.

The National Council of Spanish Bar Associations (CGAE) constitutes itself as Certification Service Provider by creating its own PKI hierarchy.

The general structure of the ACA PKI comprises two levels.

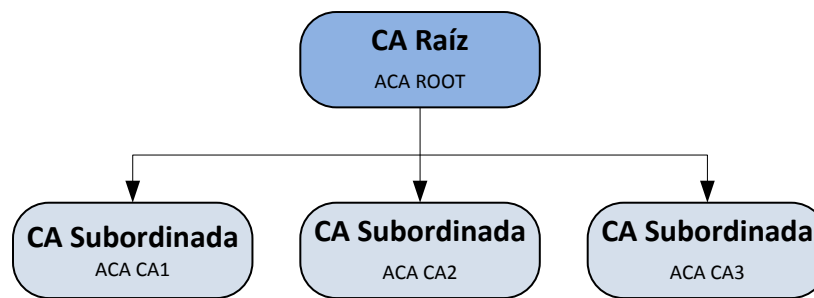


In 2014, new subordinated CAs were generated under the same name followed by the year of issuance: *ACA – Corporate Certificates 2014* and *ACA – Trusted Certificates 2014*.

The certificates issued by both subordinated CAs will continue to be operative with the same OIDs in the 2014 version CAs

Furthermore, on 2016 a new root CA and subordinate CAs have been created according to current legislation, but the ones described above will remain active as the certificates issued by these hierarchies are still in force.

New certificates will be issued through the new subordinate CAs:



This document specifies the Certificate Policy in respect of the digital certificate called “The Law Society of Scotland Qualified Certificates” issued by the Certification Authority of the National Council of Spanish Bar Associations, or *CA Abogacía*.

In its capacity as the entity regulating the Spanish Bar Associations, the National Council of Spanish Bar Associations (CGAE) has established its own certification system for the purpose of issuing certificates for diverse uses and different end users. For this reason, different types of certificates are generated. Certificates are issued by Accredited Certification Service Providers to end entities, including Bar members, administrative and service personnel, organisations and natural persons representing said organisation.

This Certificate Policy is compliant with the legal provisions governing electronic signatures in the European Community and in Spain, while complying with all of the technical and security prerequisites required for Qualified Certificate issuance and is based on the specifications of standard RFC 3647– *Internet X. 509 Public Key Infrastructure: Certificate Policy and Certification Practices Framework*.

Likewise, for the development of its content, European Standards have been taken into account, notably:

- ETSI EN 319 412-5: Profiles for Trust Service Providers issuing certificates; Part 5: Extension for Qualified Certificate profile.
- ETSI EN 319 411-2: Electronic Signatures and Infrastructures (ESI); Policy and security requirements for Trust Service Providers issuing certificates; Part 2: Policy requirements for certification authorities issuing qualified certificates.
- ETSI EN 319 412-1: Electronic Signatures and Infrastructures (ESI); Certificate Profiles; Part 1: Overview and common data structures.
- ETSI EN 319 412-2: Electronic Signatures and Infrastructures (ESI); Certificate Profiles; Part 2: Certificate profile for certificates issued to natural persons.
- ETSI EN 319 411-1: Electronic Signatures and Infrastructures (ESI); Policy and security requirements for Trust Service Providers issuing certificates; Part 1: General requirements.
- ETSI EN 319 401: Electronic Signatures and Infrastructures (ESI); General Policy Requirements for Trust Service Providers.

Also, it has been considered as basic regulation applicable to this matter:

- Regulation (UE) No. 910/2014 of the European Parliament and Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market (hereinafter eIDAS) and repealing Directive 1999/93/CE.
- Directive 1999/93/CE of the European Parliament and Council of 13 December 1999 on a community framework for electronic signatures.  
(NOTE: This directive will be repealed when the vast majority of the articles of eIDAS will be applicable, i.e. from 1 July 2016).
- Spanish Law 59/2003, of 19 December, on Electronic Signature (consolidated text, last modified 2 October 2015).
- Spanish Royal Legislative Decree 1/1996, of 12 April, approving the restated text of the law on Intellectual Property.
- Spanish Organic Law 15/1999, of 13 December, on Personal Data Protection, and its development Regulation, approved by Spanish Royal Decree 1720/2007, of 21 December. Law 11/2007, of 22 June, on electronic Access of citizens to public services (That law was repealed with effect from 2 October 2016, by the derogative disposition .2.b) of Law 39/2015, of 1 October).
- Spanish Law 39/2015, of October 1, on Common Administrative Procedure of the Public Administrations (effective: 2 October 2016).
- Spanish Law 9/2014, of 9 May, on General Telecommunications, which in its sixth final provision reported the amendment of Law 59/2003 of 19 December on Electronic Signature.
- Spanish Law 25/2015, of 28 July, on second chance mechanism, reducing the financial charge and other measures of social order, which in its fourth final disposition reported the modification of Law 59/2003 of 19 December on Electronic Signature.
- Spanish Royal Decree 3/2010 of 8 January, by which the National Insurance Scheme is regulated in the field of eGovernment.
- Spanish Royal Decree 951/2015, of 23 October, amending Royal Decree 3/2010 of 8 January, by which the National Insurance Scheme is regulated in the field of eGovernment.

Spanish Law 40/2015, of 1 October, on the Legal Regime of the Public Sector (effective: 2 October 2016).

The CPS of the Spanish Bar Association Certification Authority (*CA Abogacía*), which sets out the concrete terms of the service provided, may be found at <http://www.acabogacia.org/doc>

In respect of the content of this CP, it is assumed that readers have a basic understanding of PKI, certification and digital signatures while if otherwise, we recommend that they become familiar with this subject.

## 1.2. Identification

<b>Name:</b>	CP6_ACATC_002.0
<b>OID</b>	1.3.6.1.4.1.16533.20.5.1
<b>Description:</b>	Certificate policies (CPs) of the Spanish Bar Association Certification Authority ( <i>CA Abogacía</i> ): The Law Society of Scotland Qualified Certificates
<b>Version:</b>	002.0
<b>Date of issue:</b>	27/06/2016
<b>Location:</b>	<a href="http://www.acabogacia.org/doc">www.acabogacia.org/doc</a>
<b>Related CPS</b>	
<b>OID</b>	1.3.6.1.4.1.16533.10.1.1
<b>Description:</b>	Certification Practice Statement of the Spanish Bar Association Certification Authority ( <i>CA Abogacía</i> )
<b>Location:</b>	<a href="http://www.acabogacia.org/doc">www.acabogacia.org/doc</a>

## 1.3. Community and Applicability

### 1.3.1 Certification Authority (CA)

This is the entity responsible for issuing and managing digital certificates. It acts as a third trusted party between the subscriber and the user in electronic relations, associating a certain public key with a person (subscriber) related to a specific professional association by virtue of the issuance of a certificate.

Information on the CA may be found at the website [www.acabogacia.org](http://www.acabogacia.org).

### 1.3.2 Registration Authority (RA)

This is an entity that acts in compliance with this Certificate Policy and, as the case may be, by virtue of an agreement subscribed with the CA, which entity is responsible for the management of applications, the identification and registration of certificate applicants and the functions indicated in the related certification practices.

For the purpose hereof, the RAs is the Law Society of Scotland.

**Exclusive registrar for** The Law Society of Scotland Qualified Certificates: Only Bar Associations may be Registrars for their members since said Bar Associations have the exclusive certifying capacity in respect of the status of barrister.



### 1.3.3 Certification Service Provider (CSP) / Trust Services Provider

In accordance herewith, a CSP is understood to be any entity that provides concrete services relating to the certificate life cycle.

The functions of the CSP may be exercised directly by the CA or by a delegated entity.

Moreover, as provided in paragraph 3 of the transitional measure Article 51 of Regulation 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market which repeals Directive 1999/93/CE, a certification service provider issuing recognized certificates in accordance with Directive 1999/93 / CE should submit a conformity assessment report to the supervisory authority as soon as possible, no later than July 1, 2017. Until the Certification Service Provider presents this conformity assessment report and the supervisory body finalizes its analysis, the Certification Service Provider mentioned above shall be considered as accredited trust service provider.

Also, paragraphs 1 and 2 of the transitional measure in Article 51 of the Regulation provide that secure signature-creation-devices whose conformity has been determined under Article 3, paragraph 4 of Directive 1999/93/CE shall be considered qualified electronic signature creation devices under the current Regulation, and the qualified certificates issued to individuals under Directive 1999/93/CE shall be considered qualified electronic signature certificates under this Regulation until their expiration.

For all the above, “AC Abogacía” acts as a qualified trust service provider by issuing qualified electronic signature certificates and providing electronic signature services based on qualified certificates created by a qualified electronic signature creation device, as established in Regulation 910/2014 of the European Union and the Spanish Law 59/2003 on Electronic Signature .

### 1.3.4 Subscriber

In accordance herewith, the “subscriber” is a natural person, belonging to the Law Society of Scotland in his capacity as member thereof, holding a “The Law Society of Scotland Qualified Certificate that is located in a qualified electronic signature creation device. The subscriber is also called “Signatory”, as defined in art. 6 of the Spanish Law 59/2003 and art. 3 of eIDAS.

### 1.3.5 User

In accordance herewith “user” is understood to be a third relying party, the person who voluntarily relies on the certificate by virtue of his trust in the CA. He uses it as a means of verifying the authenticity and integrity of the signed document, consequent on which he is bound by the provisions of this policy, the applicable Certification Practice Statement (CPS) and the laws in force, wherefore no subsequent agreement of any kind is required.

### 1.3.6 Applicant

For the purpose hereof, the “applicant” is the natural person who applies for the Bar membership qualified certificate.

### 1.3.7 Applicability and Uses

The certificate issued under this Policy enables a natural person to be identified in the scope of his professional activity. Bar membership certificates may be used in accordance with the terms set forth under the corresponding certification practices.

In addition to simple electronic notifications, their use is authorised for commercial, economic and financial transactions by digital media provided that they are based on the standard RFC 3647 (X. 509) and that they do not exceed the maximum value defined under the Certification Practice Statement (CPS) , which may never be less than that set forth hereunder.

The Certificate issued by virtue hereof may be used for the following purposes:

- Identification of the signatory and his connection with the Bar association: The subscriber of the certificate may authenticate to another party his identity and connection with the Bar association by demonstrating the association of his private key with the respective public key contained in the certificate. The subscriber may identify himself validly to any person by signing an e-mail or any other file.
- Integrity of the signed document: The use of this certificate guarantees that the signed document is integral, i.e., it guarantees that the document has not been altered or modified after the signing thereof by the subscriber. The message received by the user is certified to be the same as that issued by the subscriber.
- Non-repudiation of origin: The use of this certificate also guarantees that the person who signs the document cannot repudiate it, namely, the subscriber who has signed may not deny the authorship or integrity thereof.
- Although said certificate may be used for data encryption, but this is not recommended since encrypted data cannot be recovered in cases of loss of the private key on the part of the subscriber. Should the subscriber or the user encrypt, they do so under their own responsibility at all times.

The certificates described in this policy are qualified certificates, which is also in line with the provisions of Article 51 of eIDAS, which states in its second paragraph that the qualified certificates issued to individuals under Directive 1999/93/CE shall be considered qualified electronic signature certificates under this Regulation until they expire. These certificates are the basis for generating qualified electronic signatures created by a qualified electronic signature creation device.

On the other hand, they are in conformity with art. 11 and 24 of the Spanish Law 59/2003.

Bar membership certificates must be used, of necessity, with a qualified electronic signature-creation device in accordance with the implementing legislation and this policy. They guarantee the identity of the subscriber and the holder of the private key signature and are suitable to provide support to the qualified electronic signature; that is, the advanced electronic signature based on a qualified certificate and generated by a qualified

signature creation device. The qualified electronic signature shall have the same legal value as the handwritten signature.

The following standards of qualified certificates have also been taken into account:

- ETSI EN 319 412-5: Profiles for Trust Service Providers issuing certificates; Part 5: Extension for Qualified Certificate profile (replaces TS 101 862).
- RFC 3739 Internet X.509 Public Key Infrastructure: Qualified Certificates Profile

### 1.3.7.1 Certificate usage constraints and prohibitions

In accordance herewith, use is not permitted that is contrary to Community law, Scottish, and Spanish Legislation, to international conventions ratified by the Spanish State or to custom, moral and public order. Neither is the use other than that set forth under this Policy and the Certification Practice Statement permitted.

The certificates have not been designed, they cannot be used and their use or resale is not authorised as dangerous situation control devices or for uses that require failsafe operations, such as the operation of nuclear installations, navigation systems or air communications or arms control systems, where a failure could lead directly to death, bodily harm or severe environmental damage.

Modifications to the certificates are not authorised; they must be used as provided by the CA.

The CA does not generate, store or possess the subscriber private key at any time and it is not possible to recover enciphered data with the corresponding public key in the event of loss or disablement of the private key or the device storing said key on the part of the subscriber.

Any subscriber or user who decides to encipher information shall do so under his own, exclusive responsibility while the CA shall on no account be liable in the event of information encryption using the keys associated with the certificate.

## 1.4. Contact details

Organisation responsible:

**Autoridad de Certificación de la Abogacía** (Spanish Bar Association Certification Authority)

**Consejo General de la Abogacía Española** (The National Council of Spanish Bar Associations)

Contact person:

**Administrador CA Abogacía**

Departamento de Operaciones (Operations Department)

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**E-mail:** info@acabogacia.org

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**Telephone:** 902 41 11 41

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**Fax** 915327836

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**Address:**

Consejo General de la Abogacía Española  
Paseo de Recoletos, 13  
28004 Madrid

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## 2. General Provisions

### 2.1. *Obligations*

#### 2.1.1 CA

The CA is bound by the provisions of the Certification Practices and those of the regulations governing the provision of certificate services, Act 59/2003, and eIDAS where applicable.

#### 2.1.2 RA

The Registration Authorities are delegated by the CA to exercise this function, consequent on which the RA is also bound by the terms set forth under the Certification Practices for certificate issuance.

#### 2.1.3 Applicant

As required by the Certification Practice Statement (CPS). Consult <http://www.acabogacia.org/doc>

#### 2.1.4 Subscriber

As required by the Certification Practice Statement (CPS). Consult <http://www.acabogacia.org/doc>

#### 2.1.5 User

As required by the Certification Practice Statement (CPS). Consult <http://www.acabogacia.org/doc>

#### 2.1.6 Certificate Register

As required by the Certification Practice Statement (CPS). Consult <http://www.acabogacia.org/doc>

### 2.2. *Liability*

In the performance of its activity of Certification Service Provider/Trust Services Provider in its capacity as CA, the National Council of Spanish Bar Associations shall be responsible in accordance with the rules on liability set forth by Act 59/2003 governing electronic signatures, eIDAS and any other laws applicable thereto.

In accordance therewith, the CA shall be responsible in compliance with the Certification Practice Statement (CPS). Consult <http://www.acabogacia.org/doc>

### **2.2.1 Release from liability**

The relations between the CA and the RAs shall be governed by the special contractual relations between both. The CA and the RAs shall be released from their responsibility in accordance with the terms set forth under the Certification Practice Statement (CPS) and the certificate policies. In particular neither the CA nor the RAs shall on any account be liable under any of the following circumstances:

1. State of war, natural disasters or any other circumstance of force majeure.
2. The use of certificates when said use exceeds the provisions of the laws in force and the Certification Practice Statement (CPS) , particularly the use of a certificate that has been suspended or revoked or when it is trusted without verifying beforehand the status thereof.
3. The unlawful or fraudulent use of the certificates or CRLs (Certification Revocation Lists) issued by the Certification Authority.
4. The unlawful use of the information contained in the certificate or the CRL.
5. Failure to comply with the obligations set forth for the subscriber or users by the laws in force, the Certification Practice Statement (CPS) or this certificate policy.
6. The content of the messages or documents signed.
7. The failure to recover enciphered documents with the subscriber public key.
8. Fraud in the documentation submitted by the applicant.

### **2.2.2 Limitation of liability in the event of losses arising from transactions**

The CA limits its responsibility in accordance with the Certification Practice Statement (CPS). Consult <http://www.acabogacia.org/doc>

### **2.3. Financial Responsibility**

In the performance of its activity of qualified Trust Services Provider, the CA has sufficient economic resources to cover any risk of liability for damages vis-à-vis the users of its services and third parties, thereby guaranteeing its responsibilities in its activity as Provider as required by the applicable law.

Specifically, the above guarantee is covered by virtue of a Civil Liability Insurance Policy to cover an amount equal to or greater than € 3,000,000.

## ***2.4. Interpretation and enforcement***

### **2.4.1 Governing law**

The interpretation, enforcement, amendment and validity of this Policy shall be governed by the laws of Spain currently in force.

### **2.4.2 Severability**

Should any of the provisions set forth hereunder be found invalid, the rest of the document shall not be affected. In such event, the invalid provision shall be considered as not included.

### **2.4.3 Notifications**

Any notification relating hereto shall be made by electronic post or registered letter sent to the address indicated in the sub-component on contact details.

### **2.4.4 Dispute resolution procedure**

Any controversy or dispute that might arise herefrom shall be resolved definitively by the arbitration de jure of an arbitrator within the framework of the Spanish Court of Arbitration in accordance with the regulations and by-laws governing said court, to which shall be commended the administration of the arbitration and the appointment of the arbitrator or arbitration tribunal. The parties hereby place on record their undertaking to comply with the decision awarded.

## ***2.5. Fees***

### **2.5.1 Certificate issuance and renewal fees**

The prices of certification services or any other related service shall be available for users at the different Registration Authorities.

### **2.5.2 Certificate access fees**

Access to certificates issued shall be gratuitous, although the CA may charge a fee in cases of massive certificate downloading or under any other circumstance that, in the opinion of the CA, should be charged, in which case, said fees shall be published on the CA's website.

### **2.5.3 Information access fees in respect of certificate or revoked certificate status**

The CA shall provide access to the information relating to certificate or revoked certificate status free of charge by publishing the CRL. The CA may, however, charge a fee for other

means of checking certificate status or any other circumstance that, in the opinion of the CA, should be charged, in which case, said fees shall be published on the CA's website.

#### **2.5.4 Fees for other services**

Fees for other services shall be published on the CA's website.

#### **2.5.5 Refund policy**

No stipulation.

### ***2.6. Certificate Publication and Registration***

#### **2.6.1 Publication of CA information**

##### **2.6.1.1 Certification policies and practices**

This Certificate Policy and the different versions hereof are available to the public on the website <http://www.acabogacia.org/doc>

##### **2.6.1.2 Terms and conditions**

CA Abogacía shall place at the disposal of subscribers and users the terms and conditions of the service on the website <http://www.acabogacia.org/doc>

##### **2.6.1.3 Certificate dissemination**

In accordance with the Certification Practice Statement (CPS). Consult <http://www.acabogacia.org/doc>

#### **2.6.2 Frequency of publication**

CA Abogacía shall publish forthwith any modification to the certification policies and practices while keeping a record of earlier versions.

CA Abogacía shall publish the certificates in the Certificate Register immediately after issuing them.

Ordinarily, the CA shall publish a list of certificates revoked ex officio every 24 hours. CA Abogacía shall, on an extraordinary basis, publish a new revocation list as soon as an authenticated suspension or revocation request is processed.



### 2.6.3 Access controls

CA Abogacia shall use diverse systems for publishing and distributing certificates and CRLs. Certain access data shall be required to make multiple consultations.

On the website of CA Abogacia there shall be access points to the directory for CRL and certificate consultation under the control of a software application, which prevents the indiscriminate downloading of information.

The CRLs may be downloaded anonymously by http protocol.

## 2.7. Compliance Audits

As required by the Certification Practice Statement (CPS). Consult <http://www.acabogacia.org/doc>

## 2.8. Confidentiality and the Protection of Personal Data

As required by the Certification Practice Statement (CPS). Consult <http://www.acabogacia.org/doc>

### 2.8.1 Type of information to be kept confidential

The CA shall consider any information that is not expressly classified as public to be confidential. Information declared to be confidential shall not be disseminated without express written consent from the entity or organisation that indicated the confidential nature of such information unless by legal requirement.

### 2.8.2 Type of information considered to be non-confidential

The information indicated below shall be considered as non-confidential:

- The content of this Policy and the Certificate Policies.
- The information contained in the certificates, since for the issuance thereof the subscriber gives his consent beforehand, including by way of illustration and not limitation:
  - o The certificates issued or in the process of being issued.
  - o The binding of the subscriber to a certificate issued by the Certification Service Provider/ Trust Services Provider
  - o In cases of individual certificates, the name and surnames of the subscriber of the certificate as well as any other circumstance or personal datum of the holder thereof in the event that this is significant in accordance with the purpose of the certificate.

- In cases of individual certificates, the electronic mail address of the subscriber of the certificate or, in cases of collective certificates, that of the holder of the keys or, in cases of device certificates, that designated by the subscriber.
  - The uses and economic restrictions indicated in the certificate.
  - The validity period of the certificate as well as the date of issuance and the expiry date thereof.
  - The serial number of the certificate.
  - The different certificate statuses and the commencement date of each one, particularly: pending generation and/or delivery, valid, revoked, suspended or expired and the reason for the change of status.
- The certificate revocation lists (CRLs) and any other information on revocation status.
  - The information contained in the certificate repositories
  - Any information the publication of which is required by law.

### **2.8.3 Dissemination of certificate revocation/suspension information**

Information relating to the revocation or suspension of a certificate shall be disseminated by periodically publishing the corresponding CRLs. The details of this service shall be governed by the Certification Practice Statement (CPS).

### **2.8.4 Release to the Competent Authority**

Information requested by the competent authority shall be provided under the circumstances and in the manner required by law.

## ***2.9. Intellectual property rights***

The intellectual property of these Policies belongs to the National Council of Spanish Bar Associations (CGAE). The CA shall be the only entity to enjoy the intellectual property rights over the certificates it issues.

The CA shall grant non-exclusive licences to reproduce and distribute certificates at no cost provided that the reproduction is integral and does not modify any element of the certificate, that it is necessary for digital signatures and/or encipherment systems within the scope of application of this policy and that it is compliant with the pertinent binding instrument between CA *Abogacía* and the party that reproduces and/or distributes the certificate.

The foregoing rules shall be indicated in the binding instruments between the CA and the subscribers and third relying parties.

## 3. Identification and Authentication

### 3.1. Initial registration

#### 3.1.1 Name types

All certificates require a distinguished name (DN) in accordance with standard X.501.

The DN of the Bar membership certificates shall contain the elements in the format indicated below. All the values of the components shall be authenticated by the Registration Authority:

- A name component (Common Name) –CN
- An e-mail component –E
- An organisation component –O
- An organisational unit component –OU
- A title component -T
- A state component (Country) -C
- A serial number component –serialNumber
- A first name component (Given name) - G
- A 1<sup>st</sup> surname component Surname – SN

#### Bar membership certificates

- The authenticated value of the name component (Common Name) –CN shall contain the full name (given name and Surname) of the subscriber as stated in the proof-of identity documents.
- The authenticated value of the e-mail component –E shall contain the subscriber's electronic mail address.
- The authenticated value of the organisation component –O shall contain the official name of the institution the subscriber is affiliated with and indicates that the subscriber is a lawyer

- The authenticated value of the organisational unit component –OU shall contain the name of the Bar Association.
- The authenticated value of the title component -T shall contain the professional title of the lawyer. ( article 2 Directive 98/5/EC) which shall be dependent on one of the three membership statuses below:

Solicitor	Any person enrolled as a solicitor in pursuance of the Solicitors (Scotland Act) 1980 AND holding a practicing certificate issued by the Council in accordance with the provisions of Part II of the 1980 Act authorising a person to practise as a solicitor;
Non-practising Member	A person enrolled as a solicitor in pursuance of the Solicitors Scotland Act 1980 BUT NOT holding practicing certificate
Retained Member	Retained on the roll of solicitors but neither a solicitor nor a non-practising member (definitions above) and not entitled to use the title solicitor.
Solicitor Advocate	A Solicitor (as defined above) who has been granted a right of audience in the Court of Session, the Supreme Court and the Judicial Committee of the Privy Council or, as the case may be, the High Court of Justiciary and the Judicial Committee of the Privy Council (s25A 1980 Act)
Trainee Solicitor	A trainee is an intransit who is party to a training contract, defined by the Admission as a Solicitor (Scotland) Regulations 2011, made under s5 of the 1980 Act
Registered Foreign Lawyer	A person who is not a solicitor or an advocate but who is a member, and entitled to practise as such, of a legal profession regulated within a jurisdiction outwith Scotland and who is registered under section 60A of the 1980 Act
Registered Paralegal	A current member of the Law Society of Scotland voluntary Registered Paralegal Scheme, governed by the ‘Scheme of Operation’ published by the Society <a href="https://www.lawscot.org.uk/members/paralegals">https://www.lawscot.org.uk/members/paralegals</a>
Registered European Lawyer	A person registered with the Society in accordance with regulation 17 of <u>the European Communities (Lawyer’s Practice) (Scotland) Regulations 2000 (SSI 2000 No. 121)</u> and defined in paragraphs (2) and (3) of regulation 2

- The authenticated value of the state component (Country)-C shall contain the country of the certification Authority “ES”
- The authenticated value of the serial number component –serialNumber shall contain the subscriber’s membership identification number or identifier as in ETSI EN 319 412-1.
- The authenticated value of the first name component (Given name) - G shall contain the subscriber’s first name.
- The authenticated value of the 1<sup>st</sup> surname component “Surname” –SN shall contain the subscriber’s surname

### 3.1.2 Pseudonyms

Bar membership certificates may not contain pseudonyms. Neither may a pseudonym be used to identify an organisation.

### 3.1.3 Rules used for interpreting different name formats

Those set forth in standard X.500 referenced in ISO/IEC 9594 are followed.

### 3.1.4 Uniqueness of names

The distinguished names indicated in the certificates issued shall be unique to each subscriber. The CA shall make every endeavour that is reasonably within reach to confirm the uniqueness of the names in the certificates issued. The e-mail attribute, the Bar membership number shall be used to differentiate between identities when there might be a problem regarding name duplicity.

### 3.1.5 Name claim dispute resolution procedure

Certificate applicants shall not include names in requests that might involve an infringement of third party rights for the future subscriber.

The CA is not responsible in cases of name claim dispute resolutions. The Certification Service Provider / Trust Services Provider shall not determine whether a certificate applicant has any right over the name that is indicated in a certificate request. Neither shall said provider act as arbitrator or mediator, nor in any other manner shall it resolve any dispute concerning the ownership of names of persons or organisations, domain names, trademarks or business names.

The Certification Service Provider / Trust Services Provider reserves the right to refuse a certificate request due to a name claim dispute.

Names shall be designated according to their order of entry.

### 3.1.6 Recognition, authentication and role of trademarks

No stipulation.

### 3.1.7 Methods to prove possession of private key

The private key shall be generated by the subscriber and shall remain at all times in his exclusive possession.

The RA delivers (should the latter not already have it) a kit containing the qualified electronic signature device. If the device has not been previously initialized, the subscriber initializes in the RA itself and to the operator the qualified electronic signature device. During this process the activation data of the device are generated, or if the initialization occurs in an external entity, will be delivered through a process that ensures the

confidentiality in relation to third parties. Device initialization completely eliminates any prior information contained therein.

Then the subscriber generates the pair of keys and a CSR on his qualified electronic signature device, sending the public key along with the verified data to the AC in PKCS10 format through a secure channel or other equivalent medium. The keys generation will require the correct data entry in the device, and the introduction of an identification code that relates to the subscriber authorised to use it.

Therefore, the test method for proving the subscriber's possession of the private key shall be PKCS#10.

### 3.1.8 Authentication of an individual's identity

For correct verification of the identity of the subscriber of personal certificates, said subscribers appearance in person before the RA shall be required and the presentation of either:

Photo ID issued by Government bodies is always to be preferred. Government issued documents with a photograph are preferred and **one** of the following items will suffice:

- Valid signed passport (a foreign passport is acceptable, provided that the personal details are shown in the Latin alphabet)
- Valid photocard driving licence, either full or provisional (a foreign licence is acceptable, provided that the personal details are shown in the Latin alphabet)
- National identity card (for non-UK nationals, provided that the personal details are shown in the Latin alphabet)
- Firearms certificate or shotgun licence (with photo)
- ID card issued by the electoral office for Northern Ireland

Or where the individual does not have one of the above, **two** other forms of non-photo ID may be accepted, so long as they were issued by Government, a court/tribunal, a public sector body, a local authority, a bank or other financial institution or a professional body and incorporate your full name and date of birth or address. These must be in English. Common examples of non-photo ID include:

- Valid old-style full driving licence (but not a provisional driving licence)
- Original or extract instrument of court appointment (e.g. as Executor, Judicial Factor) or court order giving the person's name and business address
- Marriage certificate
- Civil partnership certificate
- Birth certificate
- Adoption certificate
- Divorce, separation or annulment papers
- HM Revenue & Customs tax notification or letter (relative to current year)
- Local authority council tax bill (valid for current year)
- Current bank or credit/debit card statement, issued by a regulated financial sector business (but not a statement printed off the Internet)

Photocopies/scanned copies of original documents and English translations of foreign documents are not acceptable.

The RA shall verify with its own sources of information the remaining data and attributes to be included in the certificate (distinguished name indicated in the certificate), while it shall keep the documentation accrediting the validity of data that it cannot check against its own data sources.

The stipulations of the foregoing paragraphs might not be required in cases of certificates issued subsequent to the coming into force of Act 59/2003 governing electronic signatures under the following circumstances:

- a) When the identity or other permanent circumstances of certificate applicants are already on file with the RA due to a prior relationship in which the measures indicated in paragraph one were taken to identify the person concerned and the period of time elapsed since this identification is less than five years.
- b) When to request a certificate another is used for the issuance of which the signatory was identified in the manner set forth in paragraph one and the RA is satisfied that the period of time elapsed since this identification is less than five years.

### **3.1.9 Requirements applicable to external RAs**

When the CA employs external RAs it must ensure the following:

- That there is a contract in force between the CA and the RA in which the specific aspects of the delegation and the responsibilities of each agent are set forth.
- That the identity of the RA and the RA's operators has been correctly checked and validated.
- That the RA's operators have been sufficiently trained to exercise their functions.
- That the RA assumes all of the obligations and responsibilities relating to the exercise of its functions.
- That communication between the RA and the CA is made in a secure manner through the use of digital certificates.
- That the RAs agree to comply with the general safety requirements specified by the CA.

### **3.2. Certificate renewal**

Certificate renewal shall consist in issuing a new certificate to the subscriber on the date on which the original certificate expires. Prior to renewing a certificate, the RA shall check that the information used to verify the identity of and the other data relating to the subscriber continues to be valid.

Should any information relating to the subscriber have changed, the new information shall be duly recorded.

Subscribers may renew their certificates online from one month prior to the expiration thereof provided that the identification data of said subscribers continue to be the same and that the period that has passed since the identification is less than five years.

### ***3.3. Re-issuance after a revocation***

As required by the Certification Practice Statement (CPS). Consult <http://www.acabogacia.org/doc>

### ***3.4. Revocation requests***

The suspension or revocation of a certificate may be requested by:

- The subscriber, in which case, he shall provide the revocation key that was delivered to him with the certificate or he shall identify himself to the RA in accordance with the stipulations of the pertinent sub-component.
- The operators authorised by the subscriber's RA.
- The operators authorised by the CA or the certification hierarchy.

In either of the latter two cases, the circumstances indicated in the pertinent sub-component of the Certification Practice Statement (CPS) shall concur, and the revocation requests shall be submitted and processed in the manner described therein.



## 4. Operational Requirements

### 4.1. Certificate requests

The RAs manage requests for Bar Membership Certificates and Administrative Personnel Certificates.

Requests for a digital certificate may be made in person at the applicant's Bar Association before a duly authorised operator.

Prior to commencing the issuance process, the RA informs the applicant of said process, and the responsibilities and terms of use in respect of the certificate and the device while it verifies the applicant's identity and the data to be included in the certificate.

If the verification is correct, the legal instrument binding the applicant and the CA – RA is signed by virtue of which the applicant becomes a subscriber.

The RA delivers to the subscriber (should the latter not already have it) a kit containing the qualified electronic signature creation device support for the private key and the access devices thereto, should there be any.

If the device has not been initialized beforehand, the subscriber initializes the qualified electronic signature creation device at the RA itself in the presence of the operator. During the initialization process the data for activating the device and accessing the private key said device will contain are generated. The subscriber will generate the activation data, or if the device is initialised in an external entity, they will be delivered to him by a process that ensures confidentiality in respect thereof vis-à-vis third parties. In any case, the RAs will retain the activation data of the qualified electronic signature creation device. The initialization of the device completely erases any prior information contained therein.

Then the subscriber generates the key pair and a CSR in his qualified electronic signature creation device, sending the public key together with the data verified to the CA in PKCS10 format or another equivalent format over a secure channel. The generation of the key pair will require the correct entry of the device activation data and the entry of a device identification code that associates it with the subscriber authorised to use said device.

### 4.2. Certificate issuance

The process followed for certificate issuance is as follows:

- The RA receives the request for certificate issuance.
- The RA's operator verifies the content of said certificate again and if the verification is correct he validates it and processes the approval of the issuance

for the CA by digital signature of the request with his operator's certificate. If the request is not correct the operator refuses said request.

- The RA sends the request to the CA over a secure channel for the issuance of the pertinent certificate.
- If the request received does not contain technical errors in the format or content thereof, the CA issues the certificate while securely associating it with the registration information, including the certified public key, in a system that is protected against falsification and keeps the data interchanged confidential.
- The certificate generated is sent to the RA over a secure channel so that it can be downloaded on to the qualified electronic signature creation device in the presence of the subscriber.
- The CA notifies the subscriber of the issuance of said certificate.
- The certificate generated is securely sent to the Certificate Register, which places it at the disposal of the users.

With the delivery of the collegial card the subscriber accepts his certificate in the qualified electronic signature creation device that stores the private key.

### ***4.3. Certificate acceptance***

A subscriber is considered to have accepted his certificate when he downloads it on to the qualified electronic signature creation device that stores his private key, by access to the CA-RA certificate download system, and implements the technical steps provided by the system for the download.

### ***4.4. Certificate suspension and revocation***

As required by the Certification Practice Statement (CPS). Consult <http://www.acabogacia.org/doc>

### ***4.5. Security audit procedures***

As required by the Certification Practice Statement (CPS). Consult <http://www.acabogacia.org/doc>

## 5. Physical, Procedural and Personnel Security Controls

As required by the Certification Practice Statement (CPS). Consult  
<http://www.acabogacia.org/doc>

## 6. Technical Security Controls

### 6.1. Key pair generation and installation

#### 6.1.1 Subscriber key pair generation

Subscriber and operator keys are generated by the party concerned himself in a secure manner using a CC EAL4+, FIPS 140-1 level 2, ITSEC High4 cryptographic device or another of an equivalent level.

The Subscriber keys are generated by qualified electronic signature devices. The SSCD device has been evaluated under Protection Profile-Secure Signature Creation Device Type 3, version 1.05, according to CC, version 3.1 revision 3 to a Level 4 Evaluation Assurance EAL increased with AVA\_VAN.5. In accordance with paragraph 1 of the transitional measure in Article 51 of Regulation 910/2014 (eIDAS), secure signature creation devices whose conformity has been determined under Article 3, paragraph 4 of Directive 1999/93/CE shall be considered qualified electronic signature creation devices under this Regulation.

The qualified electronic signature creation device uses an activation key to access the private keys. In the event that the device is not delivered in person at the RA, the activation data will be delivered through a process that ensures the confidentiality in relation to third parties. In any case, the RAs will keep the activation data of the qualified electronic signatures creation device.

The keys are generated using the RSA public-key algorithm with the required parameters. The minimum key length is 2048 bits.

#### 6.1.2 Delivery of the public key to the certificate issuer

The public key is sent to the CA for certificate generation by standard PKCS#10 format.

#### 6.1.3 Delivery of the CA public key to users

The certificate of the CAs in the certificate chain and its fingerprint shall be available to users at <http://www.acabogacia.org/doc>

#### 6.1.4 Key size and validity period

##### 6.1.4.1 Issuer key size and validity period

As required by the Certification Practice Statement (CPS). Consult <http://www.acabogacia.org/doc>

#### **6.1.4.2 Subscriber key size and validity period**

Subscriber private keys are based on the RSA algorithm and have a length of 2048 bits.

The public and private key usage period may correspond to the validity time horizon indicated in the certificates, but on no account may it exceed 3 years.

#### **6.1.5 Public key generation parameters**

No stipulation.

#### **6.1.6 Parameter quality checking**

No stipulation.

#### **6.1.7 Hardware/software key generation**

Operator Keys are generated by the data subject itself safely using a cryptographic device CC EAL4 +, FIPS 140-2 Level 3, ITSEC High4 or other equivalent level.

Subscriber Keys are generated by qualified electronic signature devices. The SSCD device has been evaluated under Protection Profile - Secure Signature Creation Device Type 3, version 1.05, according to CC, version 3.1 revision 3 to a Level 4 Evaluation Assurance EAL increased with AVA\_VAN.5. In accordance with paragraph 1 of the transitional measure in Article 51 of Regulation 910/2014 (eIDAS), secure signature creation devices whose conformity has been determined under Article 3, paragraph 4 of Directive 1999/93/CE shall be considered qualified electronic signature creation devices under this Regulation.

The associated CA keys are generated in a cryptographic module FIPS 140-2 level 3 compliant.

#### **6.1.8 Key usage purposes**

All certificates shall include the Key Usage extension, indicating the key usage authorised.

### ***6.2. Private key protection***

#### **CA private key**

As required by the Certification Practice Statement (CPS). Consult <http://www.acabogacia.org/doc>

#### **Subscriber private key**

The Subscriber's private key is kept in a qualified electronic signature device and will be controlled and managed by the subscriber. It shall be protected by a system against access intents that will block the device when an erroneous access code is successively entered.

### ***6.3. Cryptographic module standards***

As required by the Certification Practice Statement (CPS). Consult <http://www.acabogacia.org/doc>

### ***6.4. Life cycle of cryptographic devices***

#### **6.4.1 Life cycle of qualified signature-creation devices (QSCDs)**

QSCD shall comprise crypto-processor cards that enable the subscriber to generate and store the signature-creation data, i.e., the private key:

- a) The cards are prepared and stamped by an external card provider.
- b) The external card provider manages the distribution of the support, which it distributes to the registration authorities to be delivered personally to the subscriber. The RA may personalise images on the card.
- c) The subscriber initializes the card and uses it to generate the key pair and to send the public key to the CA.
- d) The CA sends a public key certificate to the subscriber, which is then entered in to the card.
- e) The card is reusable and can securely store several key pairs.

The user cards have an average useful life of 6 years.

### ***6.5. Security controls***

As required by the Certification Practice Statement (CPS). Consult <http://www.acabogacia.org/doc>

### ***6.6. Cryptographic module engineering controls***

As required by the Certification Practice Statement (CPS). Consult <http://www.acabogacia.org/doc>

## 7. Certificate Profiles

### 7.1. Certificate profile

All of the certificates issued in accordance herewith comply with the standard X.509 version 3, RFC 5280 "*Internet X.509 Public Key Infrastructure Certificate and CRL Profile*", ETSI EN 319 412-5: Profiles for Trust Service Providers issuing certificates; Part 5: Extension for Qualified Certificate and RFC 3739 (which replaces RFC 3039) "*Qualified Certificates Profile*". It has also been taken into account family 319,412 in relation to the profiles of certificates.

The qualified certificates shall include at least the following data:

- a) an indication, at least in a form suitable for automated processing, that the certificate has been issued as a qualified certificate for electronic signature;
- b) a set of data unambiguously representing the qualified trust service provider issuing the qualified certificates including at least, the Member State in which that provider is established and:
  - for a legal person: the name and, where applicable, registration number as stated in the official records,
  - for a natural person: the person's name;
- c) at least the name of the signatory, or a pseudonym; if a pseudonym is used, it shall be clearly indicated;
- d) electronic signature validation data that corresponds to the electronic signature creation data;
- e) details of the beginning and end of the certificate's period of validity;
- f) the certificate identity code, which must be unique for the qualified trust service provider;
- g) the advanced electronic signature or advanced electronic seal of the issuing qualified trust service provider;
- h) the location where the certificate supporting the advanced electronic signature or advanced electronic seal referred to in point (g) is available free of charge;
- i) the location of the services that can be used to enquire about the validity status of the qualified certificate;
- j) where the electronic signature creation data related to the electronic signature validation data is located in a qualified electronic signature creation device, an appropriate indication of this, at least in a form suitable for automated processing.

### 7.1.1 Profile description

The certificates shall be compliant with standard X509, defined in RFC 3280, and shall have the following fields described in this component:

<b>FIELDS</b>	
Version	V3
Serial number	(serial no., which shall be a unique code in respect of the issuer's distinguished name)
Signature algorithm	Sha1WithRSAEncryption
Issuer	CN = ACA - Trusted Certificates - 2014 SERIALNUMBER = Q2863006I OU = Autoridad de Certificacion de la Abogacia O = Consejo General de la Abogacia C = ES
Not before (notBefore)	(validity commencement date, UTC time)
Not after (notAfter)	(validity termination date, UTC time)
Subject	(In accordance with specifications of component <b>3.1.1</b> )
Public key	RSA (2048 bits)

Certificates issued by ACA CA2

<b>FIELDS</b>	
Version	V3
Serial number	(serial no., which shall be a unique code in respect of the issuer's distinguished name)
Signature algorithm	Sha256WithRSAEncryption
Issuer	CN = ACA CA2 OI = VATES-Q2863006I OU = AUTORIDAD DE CERTIFICACION DE LA ABOGACIA O = CONSEJO GENERAL DE LA ABOGACIA C = ES
Not before (notBefore)	(validity commencement date, UTC time)
Not after (notAfter)	(validity termination date, UTC time)
Subject	(In accordance with specifications of component <b>3.1.1</b> )
Public key	RSA (2048 bits)



### 7.1.2 Certificate extensions

The following extensions shall be included:

EXTENSION	
BasicConstraints	cA = End Entity pathLenConstraint = zero
Subject Key Identifier	
Authority Key Identifier	81 8F D1 63 00 4A CA 4D 20 97 A6 52 00 60 2E D2 CC 36 8B 6D
Extended Key Usage	Client authentication (1.3.6.1.5.5.7.3.2) Email (1.3.6.1.5.5.7.3.4)
Authority Information Access	[1] Authority Information access Access Method=On-line Certificate Status Protocol (1.3.6.1.5.5.7.48.1) Alternative name: URL=http://ocsp.redabogacia.org  [2] Authority Information access Access Method=Certification Authority Issuer (1.3.6.1.5.5.7.48.2) Alternative name: URL=http://www.acabogacia.org/certificados/ACAtrustedV2 .crt
Certificate Policies	policyIdentifier 1.3.6.1.4.1.16533.20.5.1  policyQualifiers policyQualifierId = id-qt-cps qualifier = http://www.acabogacia.org/doc
qcStatements	1.- id-etsi-qcs-QcCompliance 2.- id-etsi-qcs-QcSSCD
CRL Distribution Point	<a href="http://www.acabogacia.org/crl/ACAtrustedV2.crl">http://www.acabogacia.org/crl/ACAtrustedV2.crl</a> <a href="http://crl.acabogacia.org/crl/ACAtrustedV2.crl">http://crl.acabogacia.org/crl/ACAtrustedV2.crl</a>
KeyUsage	digitalSignature, nonrepudiation, keyEncipherment, dataEncipherment, keyAgreement

Certificates issued by ACA CA2

EXTENSION	Values
BasicConstraints	cA = End Entity pathLenConstraint = zero
Subject Key Identifier	
Authority Key Identifier	8A 15 1F AF 74 EF 1F 01 07 73 2A 90 2A 41 09 7E 1B 48 D0 C0

Extended Key Usage	Autenticación del cliente (1.3.6.1.5.5.7.3.2) Correo seguro (1.3.6.1.5.5.7.3.4)
Authority Information Access	[1] Authority Information access Access Method=On-line Certificate Status Protocol (1.3.6.1.5.5.7.48.1) Alternative name: URL=http://ocsp.redabogacia.org  [2] Authority Information access Access Method=Certification Authority Issuer (1.3.6.1.5.5.7.48.2) Alternative name: URL=http://www.acabogacia.org/certificados/aca_ca2.crt
Certificate Policies	policyIdentifier 1.3.6.1.4.1.16533.20.5.1  policyQualifiers policyQualifierId = id-qt-cps qualifier = http://www.acabogacia.org/doc
qcStatements	1.- id-etsi-qcs-QcCompliance 2.- id-etsi-qcs-QcSSCD 3.- id-etsi-qcs-QcPDS URL=http://www.acabogacia.org/doc/EN
CRL Distribution Point	http://www.acabogacia.org/crl/aca_ca2.crl http://crl.acabogacia.org/crl/aca_ca2.crl
KeyUsage	digitalSignature, nonrepudiation, keyEncipherment, dataEncipherment, keyAgreement

### 7.1.3 Algorithm object identifiers

The signature algorithm object identifier shall be:

1. 2. 840. 113549. 1. 1.11 SHA-256 with RSA Encryption

The public key algorithm object identifier shall be:

1.2.840.113549.1.1.1 rsaEncryption

### 7.1.4 Name constraints

No stipulation.

## 7.2. CRL Profiles

### 7.2.1 Version number

The CRLs issued by the CA are version 2.

### 7.2.2 Issuance and validity period

They are issued ex officio daily and when they suffer a change of status. They are valid for one week.

### 7.2.3 Publication.

They are published immediately after issue.

The distribution points are:

For CA certificates issued to the ACA Corporate

<http://www.acabogacia.org/crl/ACAcorporativos.crl>  
<http://crl.acabogacia.org/crl/ACAcorporativos.crl>

For CA certificates issued with the 2014 Corporate ACA

<http://www.acabogacia.org/crl/ACAcorporativosV2.crl>  
<http://crl.acabogacia.org/crl/ACAcorporativosV2.crl>

Certificates issued to the ACA CA2

[http://www.acabogacia.org/crl/aca\\_ca2.crl](http://www.acabogacia.org/crl/aca_ca2.crl)

### 7.2.4 [http://crl.acabogacia.org/crl/aca\\_ca2.crl](http://crl.acabogacia.org/crl/aca_ca2.crl)CRL and extensions

The following extensions shall be included:

Extensions
Version
Valid-From
Valid-To
Signature Algorithm
Serial Number
Distribution Points

## 8. Specification administration

### 8.1. Policies authority

The CGAE is responsible for formulating certification policies and it may be contacted at the address specified in sub-component 1.

### 8.2. Specification change procedures

Any proposed changes that might substantially affect the users of this policy shall be notified forthwith to the subscribers by publication on the website of *CA Abogacía*, making express reference in the home page to the existence of the change in question.

The users affected may submit their comments to the policy administration organisation within 45 days of the date on which the notification is received.

### 8.3. Publication and copy of the policy

A copy of this policy shall be available in electronic format at the website: <http://www.acabogacia.org/doc>. Earlier versions shall be withdrawn from online consultation, but may be requested by interested parties at the *CA Abogacía*.

### 8.4. Policy approval procedures

The publication of any revisions of this policy must be approved by the CGAE.

## ANNEX 1: Technical information

Pursuant to the provisions of Act 59/2003 governing electronic signatures and eIDAS, subscribers and users are informed of certain aspects in relation to electronic signature-creation-and- verification devices that are compatible with the signature data and the certificate issued as well as the mechanisms considered to be secure for signature creation and verification..

### *Subscriber devices*

Prior to the request for the qualified certificate and the issuance thereof, the subscriber must have the corresponding data generating device for creating signatures.

#### **A. Qualified signature-creation devices:**

The issuance of Qualified Certificates identified by the OID of policy 1.3.6.1.4.1.16533.20.5.1 require that the signature-creating data have been generated by the subscriber and are stored in a device that is compliant with the provisions of Appendix II of eIDAS, which devices are called “qualifiedsignature-creation devices” (QSCDs)”.

The advanced electronic signature generated by said devices, based on a qualified certificate, is called “Qualified Electronic Signature” The qualified electronic signature will have the same legal effect as a handwritten signature.

The CA considers the devices that comply with the conditions indicated below to be adequate:

- That they have the pertinent device certificate pursuant to the provisions of article 51 eIDAS, in which case they are definitively admitted.

#### **B. Other signature-creation devices:**

No stipulation.

In both cases (A) and (B), the CA shall only issue certificates in response to requests that comply with the provisions of the sub-component below in respect of the key-generation algorithms and signature algorithm parameters considered to be satisfactory (RSA keys with a length of 2048 bits) even though the device might have the technical capacity to generate another set of signature parameters.

### *Signature creation and verification*

#### **Standards and parameters admitted**

The correct use of the devices for creating electronic signatures considered to be secure is associated with the use of a subset of standards and parameters among those approved by

the ETSI in the document “Electronic Signatures and Infrastructures (ESI); Cryptographic Suites ETSI TS 119 312 y “Electronic Signatures and Infrastructures (ESI); Guidance on the use of standards for cryptographic suites” ETSI TR 119 300 (www.etsi.org)

Third parties that trust generated signatures must ensure that the signature received complies with the provisions of the foregoing paragraphs.

In the event that the signature-creation device enables different types of signatures to be created or the export of signature-creating data to another device that can generate electronic signatures with parameters other than those specified (such as a signatures with an “rsa” parameter, having an “md5” cryptographic hash function), subscribers and users are informed that said signatures may not be considered to be secure, while the former shall be responsible for ensuring that the rules above are complied with and the latter, that the signatures received are technically satisfactory.

### Signature verification methods

It is essential to verify the electronic signature to ensure that it was generated by the key holder, using the private key corresponding to the public key contained in the subscriber's certificate, and to guarantee that the message or document signed has not been modified since the electronic signature was generated.

This verification shall usually be done automatically by the verifying user's device, and in any event, in accordance with the Certification Practice Statement (CPS) and the laws in force, while meeting the following requirements:

- An appropriate device must be used to check a digital signature against the algorithms and key lengths authorised in the certificate and/or to execute any other cryptographic operation necessary. Said devices must comply with the provisions of section 25 of the Spanish Electronic Signature Act.
- The certificate chain on which the electronic signature is based must be established while verifying and ensuring that the certificate chain identified is the most suitable for the electronic signature being checked. It is the verifying user's responsibility and decision to select the appropriate chain if more than one is possible.
- The integrity, the digital signature and the validity status (not expired, not revoked or not suspended) of all the certificates in the chain must be checked against the information provided by *CA Abogacía* by virtue of its certificate publication service. An electronic signature may only be considered to be correctly verified if each of the certificates in the chain is in order and valid.
- It must be verified that the certificates in the chain have been used in accordance with the terms and usage restrictions imposed by the issuer of each of them and by authorised signatories. Each certificate in the chain has information regarding its conditions of usage and links to documentation thereon.
- It must be verified that the signature algorithms and parameters of all the certificates in the chain correspond to those of the signed document itself.
- The date and the time the electronic signature was generated must be determined since correct verification requires that all the certificates in the chain were valid at the time the signature was generated.
- Lastly the data signed must be determined and the corresponding electronic signature must be technically checked against the certificate used to sign, associated with a valid certificate chain.

The user verifying a signature must act with the utmost diligence before trusting certificates and digital signatures and use an electronic signature verification device that has sufficient technical, operative and security capacity to check the signature correctly.

Finally, the requirements for validation of qualified electronic signatures are determined in Article 32 of Regulation 910/2014 (eIDAS).

The verifying user shall be exclusively responsible for any harm that it might suffer consequent on the incorrect selection of the verification device unless said device is provided thereto by *CA Abogacía*.

The verifying user must bear in mind the certificate usage constraints indicated in any manner in the certificate, including those not processed automatically by the verification device and included therein by reference.

In any event, the final decision regarding whether or not to trust a verified electronic signature is taken exclusively by the user.

### **Long-term electronic signature verification**

If the user wishes to have long-term guarantees to be able to check the validity of an electronic signature, it must use additional mechanisms including the following:

- Whether the signatory has generated the signature in a format capable of being verified over time, such as those defined in standard ETSI EN 319 122-2 “Electronic Signatures and Infrastructures (ESI); CADES digital signatures; Part 2: Extended CADES signatures” of the European Telecommunications Standards Institute ([www.etsi.org](http://www.etsi.org)), which *CA Abogacía* recommends.
- Use by the signatory and the services verifier of mediation by third parties that both trust, such as:
  - o Certificate validation services
  - o Time-stamping services
  - o Transaction sealing services
  - o And so forth
- Conservation of the signature, in a secure and integral manner, together with all the data required for the verification thereof:
  - o All the certificates in the certificate chain.
  - o All the CRLs in force immediately prior to and subsequent to the generation of the signature.
  - o The policies and practices in force at the time of the signature.



## Annex 2: ACRONYMS

<b>CA</b>	Spanish acronym for Certification Authority
<b>ACA</b>	Spanish Bar Association Certification Authority
<b>RA</b>	Registration Authority
<b>ARL</b>	Authority Revocation List (list of certificates that have been revoked, issued by the Root Certification Authority)
<b>CGAE</b>	National Council of Spanish Bar Associations
<b>CPS</b>	Certification Practice Statement
<b>CRL</b>	Certificate revocation list
<b>CSR</b>	Certificate Signing request
<b>DES</b>	Data Encryption Standard
<b>DN</b>	Distinguished Name (distinguished name in the digital certificate)
<b>DSA</b>	Digital Signature Algorithm
<b>SSCD</b>	Secure signature-creation device
<b>QSCD</b>	Qualified signature creation device
<b>eIDAS</b>	REGULATION (EU) No 910/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market
<b>FIPS</b>	Federal information Processing Standard publication
<b>IETF</b>	Internet Engineering task force
<b>ICA</b>	Spanish Bar Association
<b>ISO</b>	International Organisation for Standardization
<b>ITU</b>	International Telecommunications Union
<b>LDAP</b>	Lightweight Directory Access Protocol
<b>OCSP</b>	Online Certificate Status Protocol
<b>OID</b>	Object identifier
<b>PA</b>	Policy Authority
<b>CP</b>	Certification Policy
<b>PIN</b>	Personal Identification Number
<b>PKI</b>	Public Key Infrastructure
<b>PUK</b>	Personal Unblocking Key
<b>RSA</b>	Rivest-Shimar-Adleman
<b>SHA-256</b>	Secure Hash Algorithm
<b>TLS</b>	Transport Layer Security. His predecessor is <i>Secure Socket Layer</i> (Protocol designed by Netscape and converted into a network standard, whereby encrypted information can be transmitted between an Internet navigator and a server)
<b>TCP/IP</b>	Transmission Control Protocol/Internet Protocol (Protocol system, defined within the framework of the IETF. The TCP Protocol is used for breaking data down into IP packets at source and assembling the packets at destination. The IP Protocol directs the data correctly to its recipient.