

# Telecommunications And Digital Government Regulatory Authority

## TSP Framework

TSPs Guidelines on the licensing process

**Issue date: 19/March/2024**

# Revision history

Version	Date	Description
1.0	19 March 2024	First version release

# References

Reference	Title
[Law (1) 2006]	Federal Law No. (1) of 2006 On Electronic Commerce and Transactions
[Law (3) 2003]	Federal Law by Decree No. 3 of 2003 Regarding the Organization of Telecommunications Sector
[Law (46) 2021]	Federal Decree Law (46) of 2021 On Electronic Transactions and Trust Services
[Bylaw (28) 2023]	Bylaw-Cabinet Resolution No. 28 of 2023 regarding the executive regulations of the Electronic Transactions and Trust Services Law
[TC (51) 2023]	The technical controls and standards applicable to trust service providers and the trust services they provide.
[TL (54) 2023]	Resolution on the technical specifications and formats relating to the United Arab Emirates trusted list.
[CR (52) 2023]	Resolution on the rules and conditions regulating the work of conformity assessment bodies.
[TM (55) 2023]	Resolution laying down specifications relating to the form of the UAE trust mark for qualified trust services.
[eIDAS]	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 and repealing Directive 1999/93/EC <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.257.01.0073.01.ENG">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.257.01.0073.01.ENG</a>
[ENISA]	The European Union Agency for Cybersecurity

# Abbreviations

CAB	Conformity Assessment Body
CAR	Conformity Assessment Report
CSP	Certification Service Providers
DDF	Due Date File
ETSI	European Telecommunications Standards Institute
QERDS	Qualified Electronic Registered Delivery Service
QTS	Qualified Trust Service
QTSP	Qualified Trust Service Provider
(Q)TSP/(Q)TS	(Q)TSP and the (Q)TS it provides
TDRA	Telecommunications and Digital Government Regulatory Authority
TS	Trust Service
TSP	Trust Service Provider
UAE	United Arab Emirates

## Table of Contents

Revision history.....	2
References .....	2
Abbreviations .....	3
1. Introduction .....	5
1.1. Context .....	5
1.2. Scope of the present document.....	7
2. Initiation to the provision of (Q)TS as a (Q)TSP .....	10
2.1. Preparation .....	11
2.2. License application.....	12
2.3. Publication in the UAE trusted list .....	13
3. Supervision of the provision of (Q)TS as a (Q)TSP .....	14
3.1. Provision of (Q)TS as a (Q)TSP .....	15
3.2. Notifications .....	16
3.2.1. Surveillance audit .....	16
3.2.2. Change in a (Q)TSP or its (Q)TS .....	17
3.2.3. Security or personal data breaches.....	18
3.2.4. Termination of a (Q)TS .....	18
4. Termination of (Q)TSP/(Q)TS.....	19
4.1. Termination plan establishment and management .....	19
4.2. (Q)TSP or (Q)TS(s) termination .....	20

# 1. Introduction

## 1.1. Context

The Telecommunications and Digital Government Regulatory Authority (TDRA), designated as the Authority (also referred to as the Supervisory Body) as defined in the Federal Decree Law (46) of 2021 On Electronic Transactions and Trust Services [Law (46) 2021], is the authority responsible for the licensing, approval, monitoring and overseeing of the activities of Trust Service Providers in the United Arab Emirates (UAE). In this regard, any Trust Service Providers intending to operate in the UAE will have to be licensed by TDRA beforehand.

The UAE legal framework for trust services consists in:

- The Federal Decree Law (46) of 2021 on Electronic Transactions and Trust Services [Law (46) 2021];
- The Cabinet Resolution No. (28) of 2023 Regarding the Executive Regulation of the Federal Decree-Law No. (46) of 2021 On Electronic Transactions and Trust Services [Bylaw (28) 2023];
- The UAE Trust Services Framework Resolutions, issued by TDRA.

They are hereafter collectively referred to the UAE Laws or the UAE legal framework for trust services.

This framework is leveraging on (i) international best practices and standards, (ii) the UAE Laws for trust services, (iii) the licensing, qualification and supervision regime of the (qualified) trust service providers and the (qualified) trust services they provided, (iv) their publication in the UAE trusted list, and (v) the UAE qualified trust logo, which are the building blocks of a complete pyramid of trust. A virtual representation of the UAE trust model for (Q)TSP/(Q)TS is illustrated in Figure 1 below.

The requirements for QTSP/QTS and for TSP/TS (hereafter collectively referred to as '(Q)TSP/(Q)TS'), leveraging on international best practices and standards, their licensing & supervision regime, the trusted lists of (Q)TSP/(Q)TS are as many building blocks of a complete pyramid of trust as a virtual representation of the UAE trust model for (Q)TSP/(Q)TS.

The most visible part of this pyramid is the "UAE Trust Mark", which each QTSP (and only QTSP, not TSP) may, on a voluntary basis, use to brand and promote the quality and trustworthiness of the QTS it provides. It is key to note that such a mark is not just another quality logo without any trust foundation.

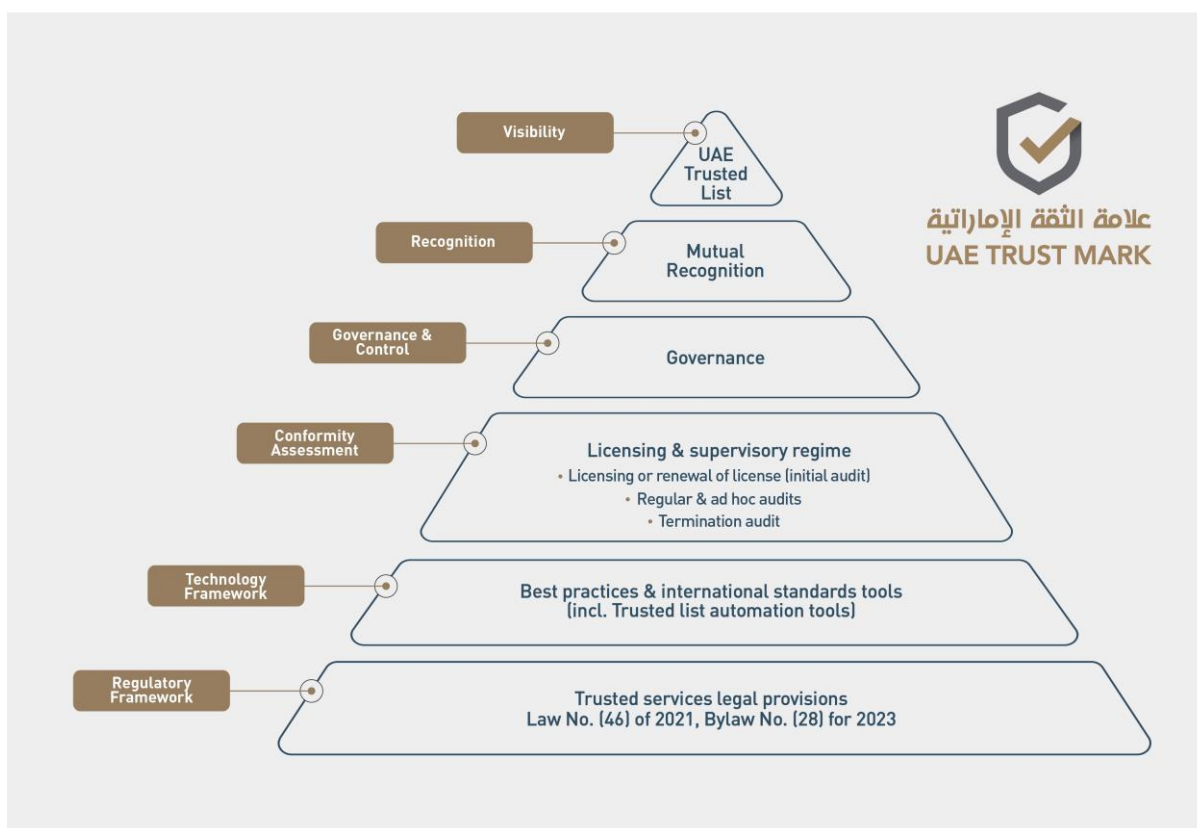


Figure 1: The UAE trust model for (Q)TSP and the (Q)TS they provide

Through pre-authorization (*ex-ante*) and post-authorization (*ex-post*) licensing and supervisory activities, the UAE legal framework for trust services builds a supervisory regime upon those quality/security requirements and obligations for (Q)TSP/(Q)TS. This regime aims to ensure that, from genesis up to their termination, the (Q)TSPs and the (Q)TSs they provide do meet the requirements laid down in the Laws.

This supervisory regime for (Q)TSP/(Q)TS is executed by TDRA, acting as the Supervisory Body, and covers the entire life cycle of the (Q)TSPs and their (Q)TSs:

- (i) The **initiation** phase, which corresponds to the application for a license for the first time (or the renewal of an existing close-to-expire license) for which an initial audit is required as a pre-requisite. As a result of the initiation phase, the requested license may either be granted or rejected by TDRA.
- (ii) The **supervision** regime phase, which corresponds to the monitoring and supervision of the licensed (Q)TSP/(Q)TS, during which regular (2-yearly, in line with the license duration) audits are required and ad hoc audits may be conducted, at TDRA's discretion, by TDRA itself acting as supervisory body or by an entity delegated by TDRA acting on TDRA's behalf, or, at the request of TDRA by an accredited auditing body. Following the results of the supervision and its related audits, the license may be confirmed or suspended by TDRA. In case of severe failure for the licensed (Q)TSP to meet the licensing requirements and the applicable requirements of the UAE Laws, the license may be revoked by TDRA. The suspension of the

license of a QTSP for the provision of a QTS will not automatically result in the withdrawal of its qualified status.

- (iii) The **termination** phase, which corresponds to the cessation, scheduled or unscheduled, by the (Q)TSP of its (Q)TS. This termination may also result from the revocation of its license. The withdrawal of the qualified status of a QTSP for the QTS it provides will also result in the revocation of the license.

The final decision to grant or withdraw a license, and when applicable a qualified status to trust services and trust service providers, resulting from the above supervisory activities, is taken by TDRA.

Those decisions related to the grant/revocation of a license, and when applicable of a qualified status, are published on an electronically signed or sealed trusted list (TL (54) 2023). Such a list is established, maintained, and published to disseminate in a trustworthy manner information related to the (Q)TSPs, together with information related to the (Q)TSs provided by them, including the whole history of the license and, when applicable, of the qualified status they have been granted.

The “UAE Trust Mark”, even though its use by QTSPs is voluntary, is aimed to be the consumer visible i.e., to convey the same information to the non-automated mass market. To facilitate the verification, QTSP using the Trust Logo must provide a link to the UAE Federal trusted list wherever the logo is displayed.

The pyramid of trust for UAE (Q)TSP/(Q)TS established by the UAE legal framework for trust services further relies on and is strengthened by the use of best practices and international standards. Especially, TDRA Regulations build upon such international standards (profiled to the UAE specific requirements) in a prescriptive way [TC (51) 2023]. This both increases certainty of implementations compliant with the legal framework and secures investments made by (Q)TSP, while paying attention in providing a welcoming environment for them and not creating unnecessary barriers.

## 1.2. Scope of the present document

In line with the following goals in particular:

- Setting a clear legal framework for electronic trust services in a national and cross-order context;
- Being prescriptive enough to increase the certainty of implementations meeting the provisions laid down by the legal framework and securing investments while paying attention in providing a welcoming environment for trust service providers and not creating unnecessary barriers;
- Having a clear, attractive but regulated framework for electronic trust services;

The objective of this present document is to define implementation guidelines for TSPs.

In the view of positioning the UAE amongst the international scene as meeting the highest level of international standards and best practices, the processes underlying the above-mentioned supervisory regime for (Q)TSP/(Q)TS has been aligned with the recommendations from [ENISA] regarding the initiation, supervision, and termination of European QTSP/QTS in the context of [eIDAS]. This regime can be depicted in Figure 3 below.

As mentioned before, this supervisory regime is composed of three phases, namely the 'initiation', 'supervision' and 'termination' phases. The present document is structured in three main sections in such a way that each section covers one phase, namely:

- Section 2 "Initiation to the provision of (Q)TS as a (Q)TSP";
- Section 3 "Supervision of the provision of (Q)TS as a (Q)TSP";
- Section 4 "Termination of (Q)TSP/(Q)TS".

After overviewing each phase, each section specifies corresponding requirements and guidelines in a step-by-step and chronological approach. These steps are intended to provide chronological guidance for UAE (Q)TSP regarding the initiation and life cycle of their services.



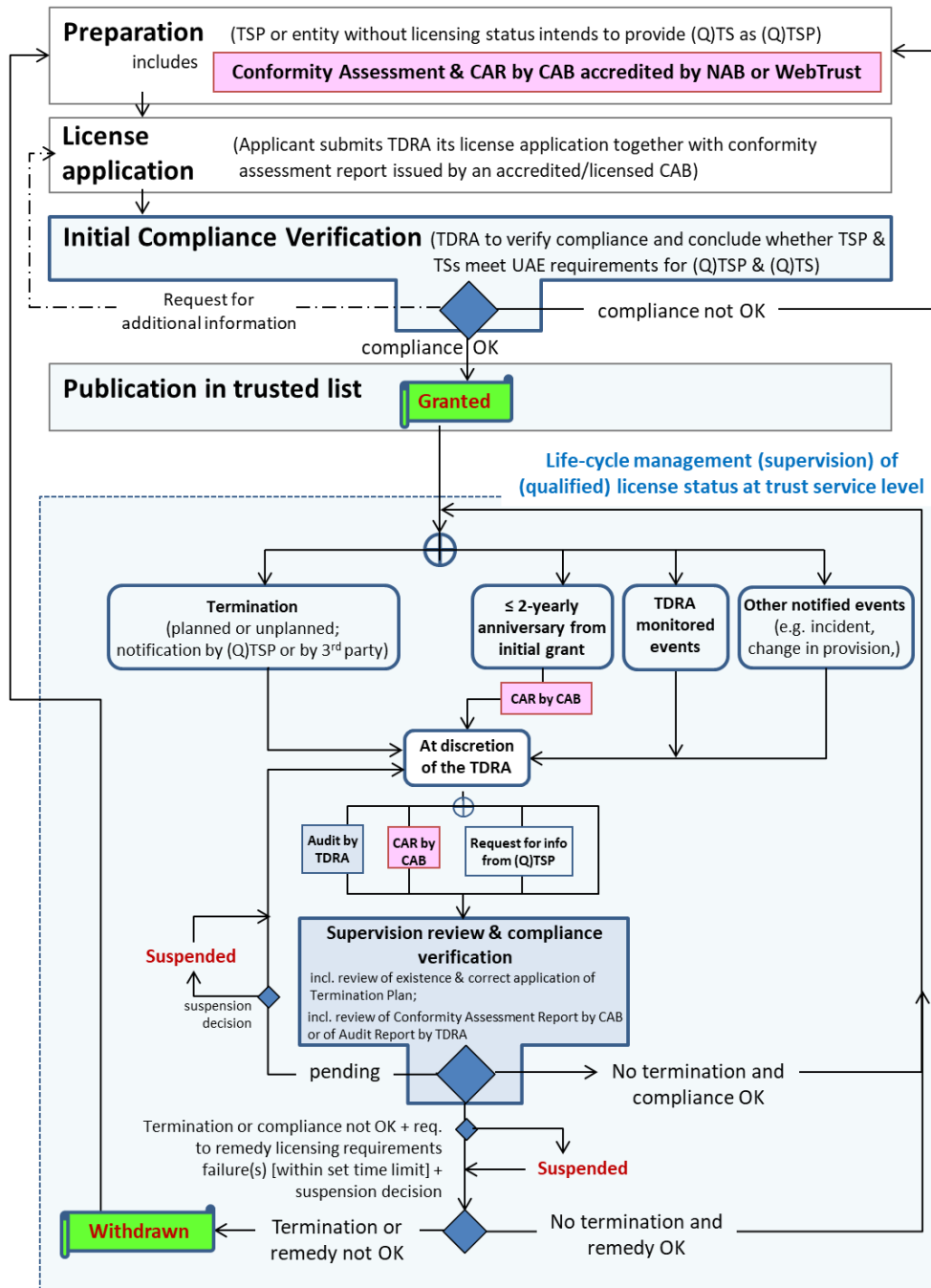


Figure 3: Overview of the UAE QTSP/QTS initiation and life cycle management (Source [ENISA] /IAS - updated)

## 2. Initiation to the provision of (Q)TS as a (Q)TSP

In practice, the initiation process, highlighted in Figure 3 below, through which an entity without licensing status intends to start providing a trust service as a TSP, is made of the following steps:

- (a) **Preparation** (cf. Section 2.1): The applicant designs, sets up, implements, tests and deploys in pre-production the (Q)TS it intends to provide, in line with the requirements of the UAE legal framework for trust services. In parallel, the applicant establishes the relevant documentation that will demonstrate its compliance with the applicable requirements. The applicant will need to require an accredited (and TDRA approved) conformity assessment body (CAB) to assess its conformity as future (Q)TSP and the conformity of the (Q)TS it intends to provide with the requirements of the Laws. The conformity assessment report (CAR) must confirm and demonstrate the compliance of the (Q)TSP and the (Q)TS it intends to provide with the requirements of the Laws, including with the associated standards.
- (b) **The license application** (cf. Section 2.2): The applicant notifies TDRA, through a license application form, its intention to be licensed and when applicable qualified, together with the conformity CAR issued by the accredited CAB.

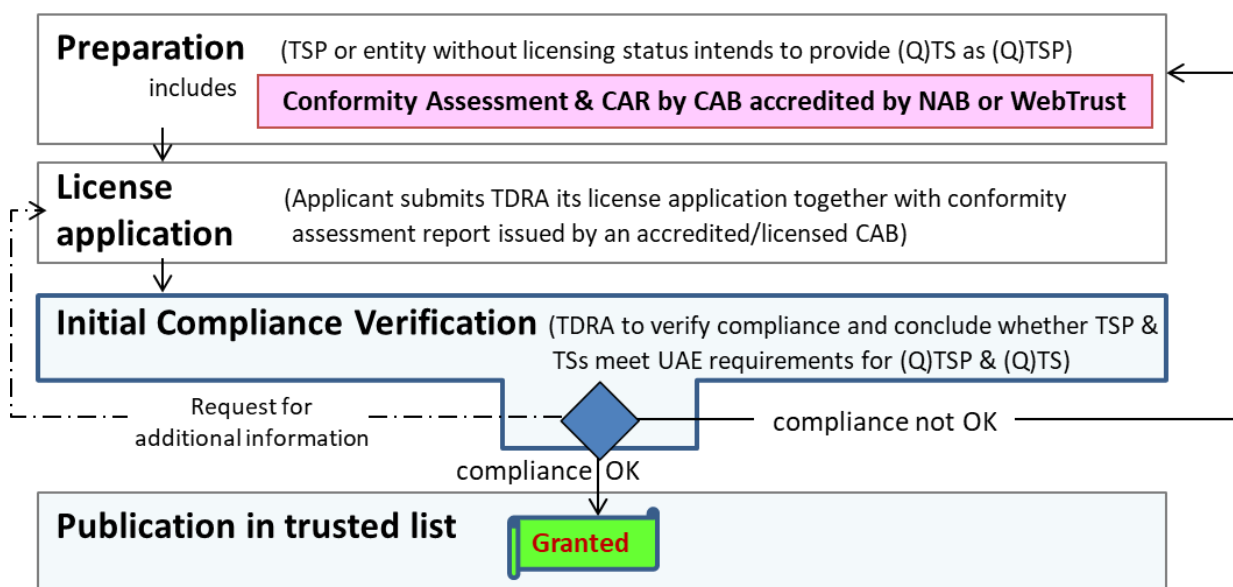


Figure 3: Initiation process overview

- (c) **Initial verification of compliance:** TDRA verifies whether the applicant and the (Q)TS it intends to provide meet the requirements of the UAE legal framework for trust services in order to be granted a license, and when applicable a qualified status. The final decision for such grants is in the hands of TDRA. This decision will be based on the information provided as part of the license application procedure, including the CAR. TDRA is entitled to request further information and may take a duly justified decision that goes against the conclusions of the CAR. In that case, as for all its decisions, TDRA should particularly respect the principles of good administration, including the obligation to give reasons for its decisions, as well as the principle of proportionality.

- (d) **Publication in the UAE trusted list** (cf. Section 2.3): Upon positive verification by TDRA that the applicant and the (Q)TS it intends to provide meet the requirements of the UAE legal framework for trust services, TDRA grants the license and when applicable the qualified status to the applicant becoming a (Q)TSP for the provision of the notified (Q)TS. TDRA updates the UAE trusted list in accordance.

It is only when its licensing, and when if applicable its qualified status, is (are) published in the UAE trusted list that the (Q)TSP is authorized to provide the corresponding licensed (Q)TS, unless exempted by TDRA.

The above information is listed below in chronological order, together with requirements and guidelines regarding the (Q)TSP/(Q)TS initiation process.

## 2.1. Preparation

**STEP-INIT-2.1-1:** The applicant shall be a legal entity established in the UAE. This entity may be a free zone company.

**STEP-INIT-2.1-2:** The applicant should retrieve all available documentation specific to the (Q)TSP and the (Q)TS it intends to provide from TDRA website. Especially, the applicant should get acquainted with:

- Applicable requirements laid down in UAE Regulation for both general provisions for TSP/TS and specific provisions of the (Q)TS the applicant intends to provide, available at <https://tdra.gov.ae/en/About/tdra-sectors/information-and-digital-government/policy-and-programs-department/trust-services/laws-and-regulations>
- License application forms and its submission process, available at [https://tdra.gov.ae/en/Services];
- CAR template, available at <https://tdra.gov.ae/en/About/tdra-sectors/information-and-digital-government/policy-and-programs-department/trust-services/guidelines#documents>
- Related fees regarding the initiation and the provision of (Q)TS as a (Q)TSP, available at <https://tdra.gov.ae/en/Services>.

**STEP-INIT-2.1-3:** The applicant should preliminarily interact with TDRA and indicates its intention to provide the (Q)TS. Relevant contact information is:

<https://tdra.gov.ae/en/About/tdra-sectors/information-and-digital-government/policy-and-programs-department/trust-services/contact-us#description>

**STEP-INIT-2.1-4:** The applicant shall design, set up, implement, test and deploy in pre-production the (Q)TS it intends to provide, in line with the requirements of the UAE legal framework for trust services.

**STEP-INIT-2.1-5:** The applicant shall establish the relevant documentation that will demonstrate its compliance with the applicable requirements stated in the UAE legal framework for trust services and in particular in [Bylaw (28) 2023], including but not limited to:

- The risk assessment related documentation.
- The termination plan for which guidelines are specified in Section 4.1.

- Declaration of practices, policies, security concept, procedures, and guidelines the (Q)TSP will use to provide the (Q)TS aimed to support the demonstration of the other applicable requirements of the UAE legal framework for trust services.
- The extended list of documentation supporting the application.

**STEP-INIT-2.1-6:** The applicant should select a CAB accredited and approved by TDRA in accordance with [CR (52) 2023]. In case of any doubt on the relevance of a specific CAB, the applicant should contact TDRA with relevant information about this CAB (e.g., name of the CAB, website of the CAB, exchange information between the applicant and the CAB). The list of TDRA approved CABs is available from <https://tdra.gov.ae/en/About/tdra-sectors/information-and-digital-government/policy-and-programs-department/trust-services/nabs-cabs#Cabs>.

**STEP-INIT-2.1-7:** In accordance with [Bylaw (28) 2023], the applicant shall request an audit from the selected CAB at its own expenses. The CAB will assess the conformity of the applicant as a future (Q)TSP and the conformity of the (Q)TS it intends to provide with the requirements of the UAE legal framework for trust services. The CAR must confirm and demonstrate the compliance of the (Q)TSP and the (Q)TS it intends to provide with the requirements of [TC (51) 2023], including with the associated standards.

**STEP-INIT-2.1-8:** The applicant should verify that the CAR includes enough and detailed information to demonstrate fulfillment of the requirements of the UAE legal framework for trust services. Then, the applicant can pursue with **STEP-INIT-2.2-1**.

## 2.2. License application

**STEP-INIT-2.2-1:** Within **one month** after receiving the CAR from the accredited CAB, the applicant shall notify TDRA<sup>2.1</sup>, its intention to be licensed together with the CAR and the required documentation.

The submission of the license application by the applicant shall be in conformance with the submission process available on TDRA website.

**STEP-INIT-2.2-2:** The applicant shall pay fees related to the license application (retrieved from step **STEP-INIT-2.1-2**).

**STEP-INIT-2.2-3:** Within the next 5 working days, the applicant should ensure the receipt of the license application and related fees via an acknowledgment sent by TDRA.

**STEP-INIT-2.2-4:** The applicant shall wait for a period of 30 days that TDRA verifies whether or not the applicant and the (Q)TS it intends to provide meet the requirements of the UAE legal framework for trust services in order to be granted a license, and when applicable a qualified status.

TDRA is entitled to request to the applicant further information and may take a duly justified decision that goes against the conclusions of the CAR. In that case, as for all its decisions, TDRA follows the principles of good administration, including the obligation to give reasons for its decisions (whether in a positive or negative sense), as well as the principle of proportionality.

**STEP-INIT-2.2-5:** Upon negative verification by TDRA, the applicant should repeat the process starting from **STEP-INIT-2.1-1** while considering the conclusions of TDRA.

**STEP-INIT-2.2-6:** Upon positive verification by TDRA that the applicant and the (Q)TS it intends to provide meet the requirements of the UAE legal framework for trust services, TDRA grants the license and when applicable the qualified status to the applicant becoming a (Q)TSP for the provision of the notified (Q)TS. Then, TDRA reflects its decision by updating the UAE trusted list as specified in **STEP-INIT-2.3-1**.

## **2.3. Publication in the UAE trusted list**

**STEP-INIT-2.3-1:** Once the (Q)TSP and the (Q)TS it provides is published in the UAE trusted list with the “granted” status, the applicant is now a (Q)TSP licensed to provide the (Q)TS and is authorized to operate its activities as such.

**STEP-INIT-2.3-2:** If the TS is a qualified trust service, the QTSP can use the “UAE Trust Mark” to promote its QTS. The detailed specifications of the use, the form, the presentation, composition, size, and design of the “UAE Trust Mark” is provided by means of the relevant resolution [TM (55) 2023].

### 3. Supervision of the provision of (Q)TS as a (Q)TSP

Once a license, and when applicable a qualified status, is granted, the **supervision process flow** can be split into the following steps of related supervisory activities, as sketched in Figure 4, for each (Q)TS provided:

- The detection or notification of events: Those events will condition the next steps in the supervision process; each of those events may lead TDRA to confirm or suspend the license, or to withdraw the license and, when applicable, the qualified status of the corresponding (Q)TSP/(Q)TS:
  - 2-yearly anniversary from initial grant of a license / license renewal;
  - Events monitored and detected by TDRA;
  - Termination of one, more or all the (qualified) trust services;
  - Other events notified by (Q)TSPs:
    - Changes in the provision of a (Q)TS;
    - Security breach;
    - Personal data breach;
    - Results of surveillance audits, when applicable.
  - Other notified events, e.g.:
    - Complaints;
    - Issues notified by third parties;
    - Request for cooperation from other supervisory bodies in the context of international cooperation programs, or international recognition programs.
- The **need for additional evidence**: This can consist in
  - TDRA requesting additional information or evidence from the (Q)TSP;
  - TDRA conducting or delegating an authorized entity to conduct an ad hoc audit;
  - TDRA requesting a CAR from an accredited CAB.
- The **verification of compliance**: based on the event(s) data and the potential additional evidence, TDRA will verify the compliance of the concerned (Q)TSP and its related (Q)TSs. During that step, TDRA may also face the need for obtaining additional evidence.
- The **decision on status change**: based on the results of the compliance verification, TDRA may decide to confirm or suspend the (Q)TSP license for the provision of its (Q)TS, or to withdraw the previously granted license, and when applicable qualified status. Once the license and qualified status have been withdrawn for a QTS, the corresponding provider may no longer provide such (qualified) trust services.
- The **need of adding an additional (Q)TS to a valid (Q)TSP License**: the applicant should repeat the process starting from STEP-INIT-2.1-1 as per TDRA Procedures.

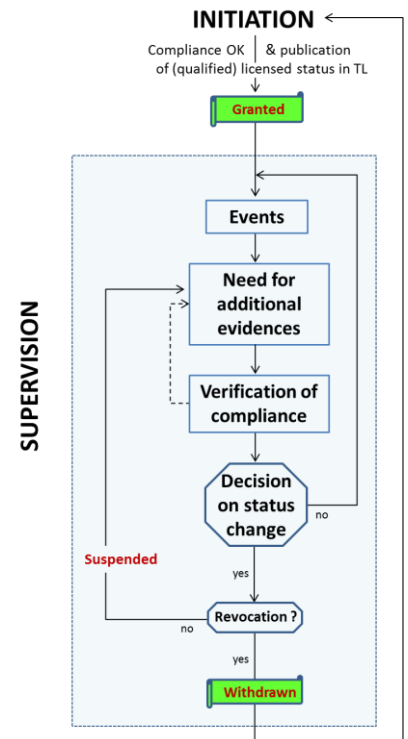


Figure 4: Supervision process flow

This above information is further listed in the chronological order under the form of security controls, including requirements and guidelines for the (Q)TSP/(Q)TS regarding supervision process.

### 3.1. Provision of (Q)TS as a (Q)TSP

**STEP-SUPV-3.1-1:** The (Q)TSP should retrieve all available documentation specific to the (Q)TS(s) it provides, from TDRA website. Especially, the (Q)TSP should get acquainted with:

- Notification forms and related procedures, including for instance:
  - Security incident notification form (for both “initial notification” and “final report” purposes) available at <https://tdra.gov.ae/en/About/tdra-sectors/information-and-digital-government/policy-and-programs-department/trust-services/contact-us#security-incident-notifications>;
  - Changes in the provision of a (Q)TS notification form available at <https://tdra.gov.ae/en/About/tdra-sectors/information-and-digital-government/policy-and-programs-department/trust-services/contact-us#security-incident-notifications>.

**STEP-SUPV-3.1-2:** The (Q)TSP should continuously manage and update a consolidated schedule about supervisory activities that are planned (hereafter referred to as “due date file” or DDF). Especially, the DDF should contain:

- A complete overview of all deadlines related to each (Q)TS a (Q)TSP is licensed, e.g.:
  - 2-yearly supervision audit and, if applicable, the correction of non-conformities as the result of this audit;
  - The expiration of CA certificates;
  - The expiration of QSCDs
  - Payment of license fees.
- Reminders before those deadlines as per the bylaw and TDRA licensing procedures;
- The owners of the deadline (i.e., people in charge of managing related tasks).

**STEP-SUPV-3.1-3:** The (Q)TSP shall constantly redesign, retest, re-implement the (Q)TS it provides in line with the requirements of the UAE legal framework for trust services as well as maintaining its documentation up-to-date (e.g. termination plan, risk assessment, financial resources-related documentation).

When the TSP is qualified, it shall ensure it satisfies the obligations laid down in Article 16 of [Bylaw (28) 2023].

**STEP-SUPV-3.1-4:** in line with the license duration of two years, the (Q)TSP shall notify TDRA following a supervision audit prior to the licensee expiry as per the renewal procedures . The (Q)TSP shall follow controls specified in Section 3.2.1 “Surveillance audit”.

**STEP-SUPV-3.1-5:** At any time, following monitored or notified events (e.g. complaints) by TDRA, TDRA can request additional evidence or an ad-hoc audit to the (Q)TSP to confirm that the (Q)TSP still fulfill the requirements of the UAE legal framework for trust services. This audit can be performed by TDRA services or using a delegated entity, or requests for accredited CAB, at the expense of the (Q)TSP.

Following the principles of good administration, including the obligation to give reasons for its decisions as well as the principle of proportionality, TDRA should duly justify its decisions to require such additional information, ad hoc audit or ad hoc conformity assessment by an accredited CAB.

**STEP-SUPV-3.1-6:** Should an audit prove that the (Q)TSP violates the provisions of the UAE legal framework for trust services, regulations or decisions issued thereunder, or if the (Q)TSP fails to

comply with personal data protection rules in force, TDRA may suspend or withdraw the license of the (Q)TSP. In such a case, TDRA shall notify the (Q)TSP accordingly.

Following the principles of good administration and in accordance with the severity of the identified non-conformities, prior to such withdrawal, TDRA may allow a reasonable time limit for the (Q)TSP to remedy identified failure to fulfill requirements under the UAE legal framework for trust services.

When its license is suspended, the (Q)TSP may not contract any new customer, may not issue new output for the suspended (Q)TS but shall maintain the existing customers and, in the context of certificates issuance shall continue to manage the life-cycle support of the existing certificates (e.g., revocation facilities, certificate validity status information). The respect of those obligations by the suspended (Q)TSP are monitored by TDRA in accordance with the conditions imposed to the suspended (Q)TSP as part of its suspension.

**STEP-SUPV-3.1-7:** The (Q)TSP must notify any change in the provision of its (Q)TS. Procedures and relevant changes affecting the licensing are established by TDRA and communicated to (Q)TSPs. When such a change occurs, the (Q)TSP shall follow controls specified in Section 3.2.2 “Change in a (Q)TSP or its (Q)TS”.

**STEP-SUPV-3.1-8:** The (Q)TSP shall notify TDRA of any breach of security or loss of integrity that has a significant impact on the (Q)TSP or on the personal data it maintains. When such an event occurs, the (Q)TSP shall follow controls specified in Section 3.2.3 “Security or personal data breaches”.

**STEP-SUPV-3.1-9:** When the (Q)TSP intends to terminate the provision of a (Q)TSP/(Q)TS, it shall follow controls specified in 3.2.4 “Termination of a (Q)TS”.

**STEP-SUPV-3.1-10:** When the (Q)TSP intends to provide an additional (Q)TS, it shall follow controls specified in Section 2.1 “Preparation”.

## 3.2. Notifications

### 3.2.1. Surveillance audit

**STEP-SUPV-3.2.1-1:** The contract that the (Q)TSP has with the accredited and TDRA approved CAB used for the request for a license, and where applicable for a qualified status, should include a program and schedule for conformity assessment surveillance activities in line with [TC (51) 2023] and [CR (52) 2023]. .

**STEP-SUPV-3.2.1-2:** In accordance with the surveillance program referred to in STEP-SUPV-3.2.1-1, the CAB will assess the conformity of the (Q)TSP/(Q)TS with the requirements of the UAE Regulation. The conformity assessment surveillance report (CAR) must confirm and demonstrate the compliance of the (Q)TSP and the (Q)TS it intends to provide with the requirements of [TC (51) 2023] and [CR (52) 2023], including with the associated standards.

**STEP-SUPV-3.2.1-3:** The (Q)TSP should verify that the CAR includes enough and detailed information to demonstrate fulfillment of the requirements of the UAE legal framework for trust services and in particular with [TC (51) 2023] and [CR (52) 2023].

**STEP-SUPV-3.2.1-4:** No later than 30 working days after receiving the CAR from the accredited and TDRA approved CAB, the (Q)TSP shall notify TDRA, through the license application form (retrieved from step **STEP-INIT-2.1-2**).



**STEP-SUPV-3.2.1-5:** If applicable, the (Q)TSP shall pay fees related to the license application (cf. step **STEP-INIT-2.1-2**).

**STEP-SUPV-3.2.1-6:** The (Q)TSP should ensure the receipt of an acknowledgment from TRA.

**STEP-SUPV-3.2.1-7:** The (Q)TSP shall wait that TRA verifies whether or not the (Q)TSP/(Q)TS meet the requirements of the UAE legal framework for trust services. The final decision for such grants is in the hands of TDRA. TDRA is entitled to request to the (Q)TSP further information and may take a duly justified decision that goes against the conclusions of the CAR. In that case, as for all its decisions, TDRA respects the principles of good administration, including the obligation to give reasons for its decisions, as well as the principle of proportionality.

### 3.2.2. Change in a (Q)TSP or its (Q)TS

**STEP-SUPV-3.2.2-1:** Should a change in the (Q)TSP/(Q)TS occur, the (Q)TSP shall notify TDRA accordingly to the notification forms and processes shared by TDRA (retrieved from step **STEP-INIT-3.1-1**). Changes can be administrative and technical changes, below is list of change examples:

- Administrative Changes
  - (Q)TSP-related changes such as the *TSP name*, *TSP trade name*, *TSP address* (both postal and electronic addresses), *TSP information URI* (cf. ETSI [TS 119 612]);
  - Any change in the initial license application files provided to TDRA must be notified (e.g., change in the (Q)TSP liability provisions, changes in the financial capacity or insurance coverage of the (Q)TSP), including but not limited to:
    - Information about the entity, ownership, and location of business for the licensee within the country
    - Technical, financial, or management capability to manage and operate the services defined in the license;
- Technical Changes
  - Any change in the (Q)TSs policies and related (Q)TSP practices affecting the trust service;
  - Any change related to the procedures related to the user's identity verification for the (Q)TS users;
  - Any change to the systems related to the (Q)TS;
  - Any changes on the termination plan;
  - Major changes in the (Q)TSP/(Q)TS documentation;
  - Any security-relevant change;
  - Changing the issuing CA / (root) CA hierarchy corresponding to the one audited/notified to TDRA and for which one or more corresponding (Q)TS entries are listed in the UAE trusted list;
  - (Q)TS-related changes such as the *Service name*, *Service digital identity*, *Scheme service definition URI*, *Service supply points*, *TSP service definition URI*, *Service information extensions* (cf. [TS 119 612]).

**STEP-SUPV-3.2.2-2:** The (Q)TSP should ensure the receipt of the notification by receiving an acknowledgment from TDRA and the approval from TDRA before implementing the notified change(s).

**STEP-SUPV-3.2.2-3:** If the change required a modification in the (Q)TSP/(Q)TS listed in the trusted list, the (Q)TSP should ensure the correctness of this change by verifying the new content of the trusted list.

### **3.2.3. Security or personal data breaches**

**STEP-SUPV-3.2.3-1:** The (Q)TSP shall notify TDRA, and its subscribers, with a first notification without undue delay but in any event within 24 hours after having become aware of a security incident as part of its activities, at least:

- when the information systems of the TSP are exposed to any danger affecting the security and safety of the (Q)TS provided;
- when the subscriber's information or documents are exposed to unauthorized disclosure; and
- at the occurrence of any breach of security or loss of integrity that has a significant impact on the (Q)TS provided or on the personal data maintained therein.

This first notification, for which a form is available on TDRA website, only contains descriptive information.

**STEP-SUPV-3.2.3-2:** The (Q)TSP should ensure the receipt of the notification by receiving an acknowledgment from TDRA.

**STEP-SUPV-3.2.3-3:** The (Q)TSP shall be available to clarify the situation with TDRA and other authorities on the proper understanding of the notification, in order to avoid any ambiguity (e.g. underestimation or overreaction).

**STEP-SUPV-3.2.3-4:** Once the incident has been solved and analyzed, the (Q)TSP, as a second step, shall issue a final in-depth report and share it with TDRA. This final report, for which a template is available on TDRA website, contains more detailed information (e.g., root cause, impacts, mitigation / improvements).

**STEP-SUPV-3.2.3-5:** The (Q)TSP should ensure the receipt of the final report by receiving an acknowledgment from TDRA.

**STEP-SUPV-3.2.3-6:** Where TDRA determines that disclosure of the security breach or integrity loss is in the public interest, TDRA shall inform the public (where the (Q)TSP might be involved) or require the (Q)TSP to do so. In the same way, where TDRA determines that disclosure of the breach is in the interest of relying parties, TRA might require the (Q)TSP to inform them.

### **3.2.4. Termination of a (Q)TS**

**STEP-SUPV-3.2.4-1:** The (Q)TSP shall follow controls specified in Section 4.2 “(Q)TSP or (Q)TS(s) termination”.

## 4. Termination of (Q)TSP/(Q)TS

To ensure sustainability and durability of trust services, and in particular of their qualified version, as well as to ensure proper termination and user's confidence in the continuity of (Q)TS, (Q)TSP have to maintain an up-to-date termination plan, from the initiation process as part of the request for a license to operate as a (Q)TSP.

Elaborating such a termination plan from/before the start of the provisioning of a (Q)TS is crucial to ensure minimizing the impacts of the disruption of the trust service to its subscribers and relying parties. It essentially aims to ensure the sustainability, legal certainty, and evidentiary value of (Q)TS generated evidence (outputs of (Q)TS) that were created before the effective termination of the service. This means making sure that, for example, a qualified electronic signature/seal, a qualified time stamp, or a qualified electronic registered delivery service (QERDS) evidence, which was created before the termination of the corresponding QTS will not lose its trustworthiness or validity because of that termination; it should furthermore still be possible to validate them afterward.

Termination plans must be verified as compliant to the UAE legal framework for trust services by TDRA upon initiation and regularly checked for compliance during the lifetime of the (Q)TSP/(Q)TS. Furthermore, the Laws require (Q)TSPs to inform TDRA of its intention to cease its (Q)TS activities, partially or completely.

This above information is further listed under the form of security controls, including requirements and guidelines for the (Q)TSP/(Q)TS regarding termination plans and the termination process.

### 4.1. Termination plan establishment and management

**STEP-TERM-4.1-1:** The (Q)TSPs must maintain, at all times, an up-to-date termination plan in compliance with the UAE legal framework for trust services and in particular with the related provisions from [TC (51) 2023]. That termination plan is to be agreed by TDRA as part of the initial grant of the license and regularly checked for compliance during the life of the (Q)TSP/(Q)TS.

**STEP-TERM-4.1-2:** The execution of a termination plan may imply transferring activities or artifacts to a third-party (e.g. another licensed (Q)TSP, an archiving provider or a custodian). In most cases, a scheduled termination will require the transfer to an archive custodian, which may be a non-TSP entity. Besides its role in verifying the correct execution of an up-to-date version of the plan, TDRA may be actively involved in a termination plan (e.g. unplanned) as a fallback solution for a lack of such third party (e.g. a licensed (Q)TSP is not able to take over the custody of the necessary records).

**STEP-TERM-4.1-3:** The required structure and table of content for the termination plan and other applicable requirements are to be found in [Bylaw (28) 2023] and in [TC (51) 2023].

**STEP-TERM-4.1-4:** The termination plan should cover, at least, expected and unexpected cessation of activities, the cessation of one, more or all the (Q)TSs from a (Q)TSP, the potential take-over of ceased activities by a third party and the obligation of the preservation and availability of the information referred to in the UAE legal framework for trust services.

- Where applicable, as a best practice and specified in standards (e.g., ETSI [EN 319 401]), procedures to destroy all (Q)TSP private keys, including backup copies, or procedures to withdraw from use, in a manner such that the private keys cannot be retrieved<sup>1</sup>.
- Procedures to make available and maintain the (Q)TSP records (e.g., issued and received information, created outputs) for a determined duration, as for instance, for the purposes of sustainability, verification of correctness, legal certainty, and evidence value in legal proceedings of previously created (Q)TS outputs.
- A communication plan targeting relying parties affected by this termination (e.g., subscribers, public).

**STEP-TERM-4.1-5:** The (Q)TSP should maintain sufficient financial resources and/or obtain appropriate insurance to cover the costs related to the termination plan, in case of both expected and unexpected cessation of activities.

**STEP-TERM-4.1-6:** When a (Q)TSP is terminating a (Q)TS, the current legal framework doesn't allow the take-over of the activities by another (Q)TSP and requires a clean termination of these operations.

## 4.2. (Q)TSP or (Q)TS(s) termination

**STEP-TERM-4.2-1:** The (Q)TSP should preliminarily interact with TDRA and indicates its intention to cease the provision of one or all the (Q)TS it provides.

**STEP-TERM-4.2-2:** The licensee shall not stop any service or activities without prior approval from TDRA.

**STEP-TERM-4.2-3:** The (Q)TSP shall formally notify TDRA of its intention to cease the provision of one or all the (Q)TS it provides, at least 3 months before planned effective cessation, with an updated version of its termination plan.

**STEP-TERM-4.2-4:** The (Q)TSP should ensure the receipt of the notification by receiving an acknowledgment from TDRA, which should be provided within 30 days from receiving the application, in cases where more time is required the competent authority shall inform the applicant with the new time frame.

**STEP-TERM-4.2-5:** The (Q)TSP shall inform the public, including subscribers and relying parties, of their intention to terminate their activities or to terminate the provision of their (Q)TS or part thereof, (60) sixty calendar days before the planned termination date.

**STEP-TERM-4.2-6:** The (Q)TSP shall assist subscribers to move to another (Q)TSP that offers a service similar to its services planned to be terminated and take necessary measures to ensure that the termination of the (Q)TS, or part thereof, does not cause disruption in validating the trustworthiness of its outcomes that would have been created before its effective termination.

**STEP-TERM-4.2-7:** The (Q)TSP shall activate the termination plan and perform the following actions:

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<sup>1</sup> Clause 7.12 of ETSI [EN 319 401].

- 1) Revoke all subscriber's certificates or credentials issued by the (Q)TSP in the context of the (Q)TS to be terminated and that have not been revoked or have not expired at the end of the notification period, whether the subscribers have requested a revocation or not.
- 2) Revoke all relevant certificates;
- 3) Destroy or stop the use of all the (Q)TSP and users signature/seal Creation data in case the (Q)TSP is providing remote management of QSCD as a QTS, including any backups, in a way the signature/seal creation data cannot be retrieved again;
- 4) The (Q)TSP shall continue to provide its (Q)TS during the time of termination plan activation and shall not accept new users from the date of activating the termination plan.

**STEP-TERM-4.2-8:** Once the (Q)TS is withdrawn from the trusted listed, the (Q)TSP is not allowed to provide the (Q)TS anymore.