Law No. 15/2004 on
E-signature and Establishment of the Information Technology Industry Development Authority (ITIDA)

In the name of the people,

The President of the Republic:

The People Assembly has decreed the following law and I have passed it:

Article I

Under this law, the following terms and definitions shall apply:

A. **Electronic Writing:** All letters, digits, symbols or any other signs on an electronic, digital, photographic support or any other similar means that gives perceptible indication.
B. **Electronically written messages**: a data message that includes information created, combined, stored, transmitted or received totally or partially by use of an electronic, digital, photographical means or any other similar means.
C. **E-signature**: What is on an electronically written message in the form of letters, digits, codes, signals or others and has a unique identity that identifies the signer and uniquely distinguishes him/her from others.
D. **Electronic Media**: A tool, tools or systems of establishing e-signature.
E. **The Signer**: The person who has the data of establishing the e-signature and signs for himself/herself or whomever he/she legally represents.
F. **E-certificate**: The certificate which is issued by the entity which authorized to authenticate. The certificate proves the relation between the signer and the data establishing the signature.
G. **The Authority**: Information Technology Industry Development Authority (ITIDA)
H. **The Ministry with Jurisdiction**: The Ministry with the jurisdiction for communications and information
I. **The Minister with Policy Jurisdiction**: The Minister with the policy jurisdiction for communications and information

Article 2

A public authority called the Information Technology Industry Development Authority (ITIDA) shall be established. The authority, which shall enjoy public corporate personality, shall be affiliated to the Minister with policy jurisdiction. ITIDA's headquarters shall be located at the Giza Governorate premises and may establish branches nationwide.

Article 3

The Authority aims at achieving the following objectives:

a) Encouraging and developing information and communications technology
b) Transferring and using advanced information technology
c) Increasing opportunities for exporting communications and information technology services and the products thereof.
d) Participating in the development and improvement of entities operating in the ICT field.
e) Directing, encouraging and developing investments in the ICT industry
f) Protecting the common interests of information technology activities
g) Supporting ICT research and studies and encouraging utilization thereof.
h) Promoting and supporting small and medium enterprises (SMEs) in the area of using and applying the electronic transaction mechanisms (applications).
i) Regulating the activities of e-signature services and other activities in relation to e-transactions and the information technology industry.

Article 4

The Authority shall have the authority required to achieve its goals particularly the following:

A. Issuance and renewal of licenses required for operating e-signature services and other activities of e-transactions and IT industry fields in accordance with the laws and regulations regulating thereof.
B. Setting out the e-signature standards/ criteria to control e-signature technical specifications.
C. Receipt of complaints related to e-signature, e-transactions and IT activities; taking necessary actions in this regard.
D. Evaluation of entities operating in the field of IT and identifying the technical capabilities of such entities based on the evaluation results.
E. Provision of technical advice on the disputes that occur between the parties involved regarding e-signature, e-transactions and IT activities.
F. Provision of technical advice to the entities operating in the IT field and training the personnel of such entities.
G. Holding fairs, conferences and seminars on ICT inside and outside of Egypt.

H. Establishment of or participation in companies which assist in developing the ICT industry.

I. Depositing, recording, and registration of original software and databases submitted by entities or individuals publishing, printing, and producing thereof in order to protect copyrights and other rights.

Article 5

The ITIDA shall have a charge representing 1% (one percent) of the revenues from the services and businesses provided by establishments operating in the ICT field to be paid by such establishments, and deposited in an account for contributing to the development of the ICT industry.. The ITIDA board of directors shall issue a decree identifying the services and businesses to be subject to that 1%..

Issuance and renewal of the licenses stipulated in item A of Article 4 of this law shall be in return for a fee. The categories of such fee and the rules and procedures of applying thereof shall be identified by a decision of the ITIDA Board of Directors.

Article 6

The Authority's financial resources shall be as follows:

a) Allocations by the State for ITIDA.
b) The charge which is stipulated in the first paragraph of Article 5 of this Law.
c) The charge stipulated in the second paragraph of Articles 5, item (C) of Article 9, and Articles nos. 19 and 22 of this Law.
d) Fees for other services provided by ITIDA.
e) Gifts, donations and aid accepted by the ITIDA Board of Directors.
f) Loans and grants contracted for ITIDA.
g) Return on investment of ITIDA funds.

Article 7

ITIDA shall have an independent budget to be prepared in compliance with the rules of preparing economic authorities' budgets. ITIDA's fiscal year shall correspond with the State’s fiscal year. ITIDA shall maintain a bank account at the Central Bank of Egypt to deposit its funds. ITIDA may open a bank account in one of the banks pursuant to approval of the Minister of Finance.

ITIDA's annual budget surplus shall be carried forward. Based on a proposal from the Minister with policy jurisdiction, and after consultation with the Minister of Finance, the Prime Minister may issue a decree stipulating allocation of a portion of the budget surplus to the State. .

Article 8

ITIDA shall be managed by its Board of Directors which shall be appointed by Prime Ministerial decree. The Board of Directors shall be chaired by the Minister with policy jurisdiction and shall be composed of the following members:

a) ITIDA Executive Head
b) Advisor from the State Council to be selected by Head of the State Council
c) Representative of the Ministry of Defense to be selected by the Minister of Defense
d) Representative of the Ministry of Interior to be selected by the Minister of Interior
e) Representative of the Ministry of Finance to be selected by the Minister of Finance
f) Representative of the Presidency Authority to be selected by the Head of the Presidency Department (Diwan)
g) Seven experts to be selected by the Minister with policy jurisdiction.

The period of service for all members shall be three renewable years. The Prime Minister shall issue a decree establishing compensation for the membership.

The Board of Directors may form, from its members, one or more committees and temporarily assign certain tasks to these committees. The Board may also delegate some of the Board's responsibilities to the Chairperson or ITIDA Executive Head.

Article 9

The Board of Directors is the authority responsible for ITIDA affairs and management. The Board may take the decisions it deems necessary to achieve the goals for which ITIDA is established. The Board shall fulfill its jurisdictions as stipulated in this Law particularly the following:

A. Developing systems and rules for e-signature and e-transactions in compliance with the laws and regulations regulating thereof.
B. Developing technical, administrative and financial rules and establishing the guarantees for issuing licenses required to operate the e-signature services and other activities in the fields of e-transaction and IT
C. Identifying the services provided by the Authority to third parties in the ICT field and the fees for these services
D. Developing the rules which ensure respect for professional traditions in the fields of e-transactions and ICT.
E. Developing internal regulations for the technical, financial and administrative affairs, procurement, storage and other regulations that regulate Authority activities without being restricted by government rules and systems.

F. Approving ITIDA's annual draft budget.
G. Developing regulations for ITIDA personnel affairs to regulate personnel appointment; identify theirs salaries, allowances, compensations, promotions, disciplinary actions, termination and all their job affairs with consideration to the rules of productive sufficiency and balance of Authority economics, in consultation with the relevant syndicate, without being restricted by the rules and systems applied to the State's civil servants.
H. Developing training and qualification plans and programs in the IT industry.

The Minister with policy jurisdiction shall issue a decree on the regulations and systems stipulated in this Article.

Article 10

The Board of Directors shall meet at least monthly and whenever deemed necessary upon the Chairperson's invitation to convene. The meeting shall be valid upon the attendance of a majority of its members. Decisions shall be passed by majority voting and the Chairperson shall have the deciding vote in the event of a tie vote.

The Board may invite to its meetings whomever it deems advisable in order to utilize his/her expertise without giving said person voting rights.

Article 11

The Authority shall have an Executive Head to be appointed by a Prime Ministerial decree. The decree shall also set out his/her compensation based on the recommendation of the Minister with policy jurisdiction.

The Executive Head shall represent the Authority before the courts and in it relations with third parties. The Executive Head shall be held accountable by the Board of Directors for the progress of the Authority's technical, administrative and financial activities; and shall be responsible for the following in particular:

- Implementing decisions of the Board
- Managing ITIDA and its affairs, and supervising work thereof
- Submitting periodic reports to the Board on ITIDA activity, work progress and accomplishments according to the established plan and programs; identifying performance constraints and recommending solutions to overcome such constraints
- Fulfilling any tasks assigned to him/her by the Board
- Fulfilling other responsibilities set out by ITIDA internal regulations

Article 12

The Executive Head shall assume responsibilities of the chairperson in case of his/her absence.

Article 13

All entities and companies operating in the fields of e-transactions and ICT shall submit to ITIDA reports, statistics or information related to ITIDA activities.

Article 14

Within the scope of civil, commercial and administrative transactions, e-signatures shall have the same determinative effect that signatures have under the provisions of the Evidence Law in the civil and commercial articles, if the creation and completion thereof come in compliance with the terms stipulated in this Law and the technical and technological rules identified in the Executive Regulations of this law.

Article 15

Within the scope of civil, commercial and administrative transactions, e-writing and electronically written messages shall have the same determinative effect that writing, official, and unofficial messages have under the provisions of the Evidence Law in the civil and commercial articles as long as it meets the terms and regulations stipulated in this Law in compliance with the technical and technological rules identified in the Executive Regulations thereof.

Article 16

The hardcopy of the electronically written message shall have the same determinative effect on all parties to the extent that this hardcopy is conforming to the original electronically written message, and as long as the official electronically written message and the e-signature are saved on an electronic backup archiving.

Article 17

Unless stipulated in this Law or the Executive Regulations thereof, the provisions of the Evidence Law in the civil and commercial articles shall prevail in relation to proving the validity of the official and unofficial electronically written messages, e-signatures and e-writings.

Article 18

The e-signatures, e-writing, and electronically written messages shall have the determinative effect for evidence provided their compliance with the following:

A. The e-signature is for the signer solely
B. The signer has sole control over the electronic medium
C. Possible discovery of any modification or replacement of the data of electronically written message or e-signature.

The Executive Regulations of this Law shall set out the necessary technical and technological rules.

Article 19

Digital certificates may not be issued without licensing by the Authority in return for fees to be identified by the Authority's Board of Directors in compliance with the procedures, rules, and guarantees stipulated by the Executive Regulations of this Law, without being restricted by the provisions of Law no. 129/1947 on Public Utilities, and with consideration to the following:

A. The Licensee shall be selected under public competition.
B. .The Authority's Board of Directors shall set out the licensing period provided that it does not exceed ninety nine years.
C. The supervision and technical and financial monitoring mechanisms, ensuring sound and regular workflow at the Authority shall be set out.

Stopping practice of the licensed activity, merging with another entity or waiving license to a third party is not permitted without the prior written consent of the Authority.

Article 20

The Executive Regulations of this Law shall identify the data which should be included in the digital certificate.

Article 21

E-signature and e-media data and information submitted to the entity licensed to issue digital certificates are confidential and whoever receives or has access to them by virtue of work may not disclose such data and information to third parties or use them for purposes other than the purpose for which they were originally submitted.

Article 22

The Authority shall be responsible for authenticating appropriate foreign entities to issue digital certificates in return for fees identified by the Authority's Board of Directors. In such case, the certificates issued by such entities shall have the same determinative effect for evidence of other similar certificates issued internally by other similar entities in compliance with the rules, procedures and guarantees stipulated by the Executive Regulations of this Law.

Article 23

Without prejudice to more severe penalties stipulated in the Penalty Code or any other law, imprisonment and payment of a fine not less than LE 10,000 and not more than LE 100,000 or either shall be the penalty for whomever:

A. Issues digital certificates without obtaining a license from the Authority to practice this activity.
B. Destroys or damages a signature, electronic medium or electronically written messages; or falsifies any of these by imitation, modification, alteration or by any other means.
C. Uses knowingly a falsified or damaged signature, electronic medium or electronically written messages
D. Violates any of the provisions of Articles 19 and 21 of this Law
E. Manages through any means to obtain unrightfully a signature, written message or electronic medium; or breaches, intercepts or puts such electronic media out of service

The penalty for violation of Article 13 of this Law shall be a fine not less than LE 5,000 and not more than LE 50,000.

The maximum and minimum penalty shall be doubled in case of repetition of such violations.

In all cases, the conviction verdict shall be published in two daily wide-spread newspapers and on the Internet at the expense of the convicted.

Article 24

The person in charge of actual administration for the corporate person shall suffer the same penalties stipulated for violating the provisions of this law if it is proven that he/she had knowledge thereof and his/her negligence of administration duties led to the crime.

The corporate person shall be jointly responsible for payment of the financial and compensation verdicts if the violation was by one of the employees working for him/ her or in his/ her name.

Article 25

The Minister of Justice, in agreement with the Minister with policy jurisdiction, may issue a decree authorizing ITIDA employees to serve in the capacity of law officers in relation to crimes committed by breaching the provisions of this law where such crimes may be related to such employees' areas of professional responsibility.

Article 26

Without prejudice to the provisions of Article 23 of this Law, if the entity authorized to issue digital certificates violates the licensing terms or any of the provisions of Article 19 of this Law, the Authority may cancel such licensing and may suspend it until the causes of the violation are removed in compliance with the rules and procedures identified by the Executive Regulations of this Law.

Article 27

Whoever practices the activity of issuing digital certificates before the time this law comes into effect shall comply with this law within maximum six months of the promulgation of its executive regulations and comply with the rules and procedures stipulated by such regulations.

Article 28

The provisions of Article 13 of this Law shall not apply to the presidency authorities, the Armed Forces, the Ministry of Interior, the General Intelligence Agency, and the Administration Monitoring Authority.

Article 29

The Minister with policy jurisdiction shall promulgate the executive regulations of this Law within six months of the date of its publication.

Article 30

This Law shall be published in the Official Gazette and shall come into effect as of the day following the date of its publication.

This Law shall be sealed by the State's stamp and shall prevail as one of its laws

Hosni Mubarak

Issued at the Presidency on Rabie' Awal 1, 1425 Hijra Year corresponding to April 21, 2004.

Cc.: To the Minister of Communications and Information Technology

Cabinet General Secretary

Dr. Safwat El Nahas