

## 2004-06-01 Law of the Republic of Azerbaijan on electronic signature and electronic document

This Law determines the organizational, legal bases of the electronic signature, use of electronic document, their application in the electronic documents circulation, and the related subjects' rights and regulates the relations emerged between them.

### Section I

#### General provisions

##### Article 1. The main definitions

1.1 The following definitions have been use in this Law:

1.1.1 Data - the information useful to be processed though the information technologies;

1.1.2 Data carrier - a financial object defined for the storage and use of datum;

1.1.3 Information notification - written form of notification in the datum base;

1.1.4 Electronic signature - data added to other data or logically related with them, and providing for the identification of the signature owner;

**1.1.5** Strengthened electronic signature (hereinafter – electronic signature) – the electronic signature that is created with the electronic signature means, under the signature owner's control, which identifies him/her only belonging to the signature owner, and provides to determine the integrity, invariability of the information notice it is related with, and that it is not perverted and falsified;

1.1.6 Electronic signature owner (hereinafter – signature owner) - the physical person who acts on the behalf of himself/herself or on the behalf of the person who authorizes him/her in the appropriate order stipulated in the legislation;

1.1.7 Electronic signature means (hereinafter – signature means) – the program and technical means used for the creation and verification of electronic signature, and also for creation of information on signature creation an verification;

1.1.8 Information on creating electronic signature – inimitable datum used for creating electronic signature and consisted of a code or cryptographic key that are known only by the signature owner;

1.1.9 Electronic signature verification information - inimitable datum consisted of a code or cryptographic key, which are used to verify the validity of electronic signature, and matched with the electronic signature verification information;

1.1.10 Electronic signature validity – proof of that the electronic signature, which is verified by means of the electronic signature verification information, belongs to the owner, and that the information notification, which is related with the signature, is integral, unchanged, and not distorted;

1.1.11 Certificate – a paper or electronic document given by the certificate services center for the identification of the signature owner, and on that the electronic signature verification information belongs to the signature owner;

- 1.1.12 Competition certificate – given on the verification information of strengthened electronic signature, by the accredited certificate services center;
- 1.1.13 Certificate services center (hereinafter – center) – the juridical person who issues a certificate for the electronic signature and renders services stipulated in this Law, on the use of signatures, or a physical person who is engaged in the entrepreneurship activity without constituting the juridical person;
- 1.1.14 Accredited certificate services center (hereinafter – accredited center) – the certificate services center, of which right to issue completion certificates is approved by an appropriate executive state body with a certificate;
- 1.1.15 Electronic document – a document presented in the electronic form and approved with an electronic signature, for its use in the information system;
- 1.1.16 Electronic documents circulation – information processes related with the regulated movement of the electronic document in the information system;
- 1.1.17 Electronic documents circulation means – programs, technical means and technologies used in the electronic documents circulation;
- 1.1.18 Certificated electronic signature means- electronic signature means, of which conformity with the determined requirements have been approved on the base of the certification rules;
- 1.1.19 Certificated electronic documents circulation means – electronic documents circulation means, of which conformity with the determined requirements have been approved on the base of the certification rules;
- 1.1.20 Electronic document sender (hereinafter – sender) – Excluding the electronic documents circulation mediator, a physical or juridical person by whom or on whose behalf the electronic document is sent;
- 1.1.21 Electronic document receiver (hereinafter – receiver) – a physical or juridical person to whom the electronic document is addressed, excluding the electronic documents circulation mediator;
- 1.1.22 Electronic documents circulation mediator (hereinafter – mediator) – a physical or juridical person who renders the electronic documents circulation services, between the sender and receiver of the electronic document;
- 1.1.23 Electronic document validity – approval of the completeness (whether it possesses the needed requisites) and integrity (whether technical errors or distortions occur when sending) of the electronic document, through the verification of the electronic signature validity;
- 1.1.24 Corporative information system – the information system with the limited number of users who are determined by the owner or agreed between the participants via a contract;
- 1.1.25 Information on the signature owner – information declared by the signature owner about himself/herself while purchasing certificate and gathered at the time of the system’s work;
- 1.1.26 Time indicator – the accredited center’s electronic note on presenting of an information notification to it at a certain time;
- 1.2. Hereinafter in this Law, the understanding “centers” stated in this Law, shall state the certificate services center and accredited center jointly, and “signatures” shall state the electronic signature and strengthened signature jointly;

## Article 2. Usage spheres of electronic signature and document

With the exception of the cases stipulated in the legislation of the Azerbaijan Republic, electronic signature and document may be used in all spheres where appropriate means have been applied. The official and unofficial correspondences, and documents and information exchanges, which arise the legal responsibility and duties, may be conducted via the electronic signature.

## Article 3. Legal force of electronic signature and electronic document

3.1 Electronic signature can not be considered as invalid because of the reasons that it's in the electronic form or without a certificate, created with uncertified signature means;

3.2 With the exception of the cases stipulated in the legislation of the Azerbaijan Republic, the signature that is created with certified signature means and is a strengthened with a completion certificate, possesses the equal legal force with the handwritten signature;

3.3 If the information on the powers of the signature owner in the completion certificate, the strengthened signature corresponding to Article 3.2 of this Law, is considered as equal with the person's signature that is on the paper carrier and confirmed with a stamp;

3.4 If according to the legislation of the Azerbaijan Republic the document is required to be presented in the written form, the electronic document that is signed conformably to Articles 3.2 and 3.3 of this Law, is considered as meeting these provisions.

3.5 With the exception of cases requiring the notary ratification (or) state registration of the document, the electronic document is considered as the same with the document in the paper carrier and possesses the same legal force with that;

3.6 If according to the legislation of the Azerbaijan Republic the notary ratification or the state registration of document is required, then the electronic document or its copy, which meets the requirements of Article 25.1 of this Law, is registered or ratified, conformably to the legislation of the Azerbaijan Republic;

3.7 The usage of the information notification and electronic document is regulated with this Law or the other normative acts;

## Article 4. Legislation of the Azerbaijan Republic on electronic signature and electronic document

The legislation of the Azerbaijan Republic on the electronic signature and electronic document consists of the Constitution of the Azerbaijan Republic, international treaties that the Azerbaijan Republic is party to, Civil Code of the Azerbaijan Republic, this Law, law of the Azerbaijani Republic "On State secret" and "On information and preservation of information", and other normative legal acts;

## Section II

### Electronic signature

## Article 5. Use of electronic signature

5.1 The electronic signature that is created using the electronic signature creating information, belongs only to its owner;

5.2 The signature owner may possess one or more signature creating information, and they are used in the relations shown in their certificates.

5.3 The information verification is conducted to assert the validity of the electronic document and electronic signature, and identify the personality of the signature owner. Verification is conducted using verification signature information, basing on the information verification report.

5.4 Electronic signature verification method is determined by the appropriate executive body.

5.5 The signature owner shall inform the other side, when uses an electronic signature that does not have a certificate.

## Article 6. Use of electronic signature in the public administration sphere

6.1 Only the strengthened signature and certified signature means are used in the information systems of the state power and local self-governing bodies;

6.2 The state authority and local self-governing bodies must use the services of the center accredited on the area;

6.3 The information notification sent to the state authority or local self-governing bodies by the physical or juridical person, must be approved by his/her strengthened signature;

6.4 The method of use of the electronic signature by the state authority and local self-governing bodies, must be determined by the appropriate executive body.

## Article 7. Use of electronic signature in the corporative information system

7.1 The usage of the electronic signature in the corporative information system is regulated with the system's internal normative documents or contracts between the parties.

7.2 The rights and duties of the persons who use signature, and provisions upon indemnifying for the participants' losses emerged as a result of the non-observance of rules of signature use, must be stipulated in the internal normative documents or contract between the participants of the corporative information system.

7.3 The centers serving for the corporative information system, shall be formed basing on the system owner's decision or participants' agreement.

7.4 The activity of centers serving for the corporative information system, structure of certificates, rendering of certificate services, conduct of certificate registration, rules of storing certificates are regulated with the internal normative documents of the system.

7.5 If the certificate services center of the corporative information system renders a service for the users of an information system, which is out of the system, the center must be conformable to and operate according to the provisions stipulated in this Law.

## Section III

### Certificate services, certifying

#### Article 8. Electronic signature services subjects

The legal relations emerged at the time of the use of the electronic signature, between the signature owner, certificate services center or an accredited center and appropriate executive body at the time of the use of the electronic signature, are regulated in accordance with the legislation of the Azerbaijan Republic, this Law, contract concluded between the sides.

#### Article 9. Registration and accreditation of the certificate services center

9.1 The center shall inform the appropriate executive body and pass the registration, before it begins to operate in the Azerbaijan Republic.

9.2 The address, legal status, financial, technical, cadre possibilities, activity features of the person who is claimant to operate as center, must be indicated in the information. The juridical person must add the copy of the state registration certificate and charter, and physical person must add the documents upon entrepreneurship activity without constituting a juridical person, to this information. The list of the documents presented is determined with the registration rules.

9.3 The appropriate executive body adopts a decision on the registration of the center, verifying the documents presented within the period of 30 days.

9.4 To render the services of completion certificate services, the center passes accrediting in the relevant executive body and is given a completion certificate.

9.5 The number of the accredited centers are not limited.

9.6 The center may begin to operate only after the certificate services centers registration receives the registration information from the relevant executive body.

9.7 The relevant executive body may repudiate the registration of the center in the following cases:

9.7.1 if the claimant person does not match with the requirements of this Law;

9.7.2 if the information and documents presented do not conform with the requirements of this Law;

9.7.3 If the claimant person gives a wrong information;

9.7.4 if the claimant person is not counted as possible to operate as a center according the results of the audit of information system security;

9.7.5 if the activity on the registration of certifying and time indicators, which is considered by claimant person, does not conform with the requirements of this Law and other normative legal acts;

9.7.6 If the claimant person has a tax debt to the state;

9.7.7 In other cases stipulate in the legislation of the Azerbaijan Republic.

9.8 The registration and accreditation rules of the center are determined by the relevant executive body.

#### Article 10. Certificate services

10.1 Centers may render the following services related with the use of signature:

10.1.1 issuing certificates;

10.1.2 Ceasing, restoration and abrogation of certificate;

- 10.1.3 Giving information on certificates determined by this Law and legislation of the Azerbaijan Republic, according to inquiries;
- 10.1.4 indicating time indicators;
- 10.1.5 creation of the electronic signature
- 10.1. giving advices on the use of the signature;
- 10.2 The rules of rendering certificate services are determined by the relevant executive body.

#### Article 11. Issuance of certificate

- 11.1 The certificate is given on the basis of a written contract between the person who has resorted to have a certificate, and the center.
- 11.2 The physical person who wants to attain certificate must present his/her ID and other documents determined by the rules.
- 11.3 To attain the completion certificate, it must be appealed to the accredited center.
- 11.4 After the certificate is issued, the center may cease, restore and abrogate its force.
- 11.5 Till the certificate promulgates, the center enters the registration the information on him/her, and makes the registration of the next changes in the situation of the certificate.
- 11.6 Issuance of certificate, rules of conduct of registration and the structure of information entered in that, are determined by the relevant executive body.

#### Article 12. Certificate structure

- 12.1 mainly the following information is added to certificate:
  - 12.1.1 Certificate issuing center's name and address (country);
  - 12.1.2 Number of series of certificate;
  - 12.1.3 Signature owner's name, patronymic, surname, and pseudonym that he/she indicated for use;
  - 12.1.4 period of force of certificate (time, date that the period starts and ends);
  - 12.1.5 signature owner's signature verifying information;
  - 12.1.6 The name of the means of signature that the signature verification information will be used;
- 12.2 If certificate is given in the paper carrier, it is printed in the official blank of the center, and confirmed with the authorized person's hand signature, and seal. If the certificate is given in the electronic form, it is approved with the strengthened signature of the issuing center.
- 12.3 If the presented information provides to punctually identify the signature owner, the pseudonym may be used as the indicator of person. In this case, the signature owner's use of the pseudonym must be precisely noted in the certificate.
- 12. The following are additionally indicated in the completion certificate given to physical persons:
  - 12.4.1 certificate issuing accredited center's name and address (country);
  - 12.4.2 note on that it is a completion certificate;
  - 12.4.3 usage spheres and limitations of certificate;

12.5 The completion certificate issued to physical persons is approved with the strengthened signature of the issuing accredited center.

12.6 The following must be indicated in the completion certificate issued to the accredited center:

12.6.1 name and address of the body issuing the certificate;

12.6.2 a note on being the completion certificate;

12.6.3 usage spheres and limitations of certificate;

12.7 The completion certificate issued to the accredited center is approved with the strengthened signature of the certificate issuing body.

12.8 The other information included in certificate is indicated in the contract concluded between the center and signature owner.

12.9 Certificate is considered as invalid in the following cases:

12.9.1 if not issued conformably to the legislation;

12.9.2 if the in force period finished;

12.9.3 if the strengthened signature of the center issued certificate is not real;

12.9.4 if the certificate force is ceased or abrogated;

12.9.5 If not used in relations stipulated in that.

#### Article 13. Cease and abrogation of the certificate force

13.1 The certificate force is ceased by the center in the following cases:

13.1.1 if the signature owner appeals;

13.1.2 on the basis of the authorized person's appeal according to the legislation or contract;

13.1.3 If the center have solid doubts on the truthfulness of the key information for issuing certificate, and security of the signature creating information;

13.2 The center immediately informs the signature owner, the authorized person who has appealed, upon the ceasing of the certificate force, and makes a relevant note in the certificates registration.

13.3 In the case stipulated in Article 13.1.3 of this Law, the certificate force may not be ceased more than 48 hours.

13.4 The legal force of certificate is restored in the following cases:

13.4.1 If there is a consent of the signature owner who has demanded to cease the certificate force or of the authorized person who has appealed;

13.4.2 if the solid doubts are eliminated as a result of the measures taken by the center;

13.4.3 If the certificate force ceasing period ends.

13.5 The appeals for the certificate force ceasing or restoration must be written and base on relevant documents.

13.6 The controversies emerging on the ceasing and restoration of the certificate force are regulated with the legislation of the Azerbaijan Republic.

#### Maddə 14. Abrogation of certificate

14.1 Certificate may be abrogated by centers in the following cases:

14.1.1 on the basis of the signature owner's appeal;

14.1.2 if the certificate force period ends;

- 14.1.3 on the basis of the authorized person's appeal according to the legislation;
- 14.1.4 if the signature owner dies or considered as the one who has lost the activity ability, in the order determined by the legislation;
- 14.1. if it is determined that a document or the information presented for the granting of certificate, are counterfeit, incorrect or invalid;
- 14.1. if the center determined that the signature owner has lost the control over the signature creating information;
- 14.1.7 if not used in relations indicated in that;
- 14.1.8 if the legal facts regulating the signature usage, and the requirements of the contract concluded with the center are violated by the signature owner;
- 14.1.9 if the certificate of used signature means loses its legal force;
- 14.1.10 in the other cases stiuated with the legislation.
- 14.2 The center informs the signature owner, the authorized person who has appealed, upon ceasing of the certificate force, and makes relevant notes on amendments in the certificates registration.
- 14.3 The emerging conflicts emerging related with the abrogation of certificate, are regulated in the court order.

#### Article 15. Storage of documents on sertificate services

- 15.1 During the period on the usage spheres indicated in certificate, stipulated with the legislation of the Azerbaijan Republic, the certificates in the legal force, with the force ceased or abrogated, also the other related documents and information are kept in the center.
- 15.2 The center provides the information system users with a free and uninterrupted appeal to certificate, and replies their inquiries related with that.
- 15.3 The center provides for the storage of the following documents:
  - 15.3.1 documents, which provide the certificate services security;
  - 15.3.2 the contracts concluded with the signature owners;
  - 15.3.3 copies of documents given on the basis of the center's certificate;
  - 15.3.4 documents, which prove that the signature owner is instructed;
  - 15.3.5 documents on the ceasing, restoration and abrogation of the legal force of certificate.
- 15.4 After the period of storage in the center ends, certificate is extracted from registration and submitted to the archive. The storage period in the archive, order of giving the certificate copies or information on them are determined by the legislation of the Azerbaijan Republic.

#### Article 16. Recognition of certificates given in foreign countries

- 16.0 The certificates given in foreign countries possess a legal force in the Azerbaijan Republic, in the following cases:
  - 16.0.1 If the center that has issued certificate, has been accredited in the Azerbaijan Republic;
  - 16.0.2 If certificate conforms with the security requirements stipulated with this Law or other normative legal acts of the Azerbaijan Republic;
  - 16.0.3 If certificate is guaranteed by the center accredited in the Azerbaijan Republic or relevant executive body;



16.0.4 If certificate has been issued by the foreign centers stipulated in contracts, to which the Azerbaijan Republic is party.

Article 17. Centers rights, duties and responsibility

17.1 Centers possess the following rights:

17.1.1 Providing and regulating its activity in accordance with the legislation of the Azerbaijan Republic;

17.1.2 rendering the certificate services stipulated with this Law;

17.1.3 passing the accreditation in a relevant executive body, to render the services related with the completion certificates;

17.1.4 appealing the state bodies related with its activity;

17.1.5 To end its activity in accordance with the legislation of the Azerbaijan Republic;

17.1.6 in accordance with the legislation of the Azerbaijan Republic, to resort a complain to the court, on the decisions related with the abrogation of the center's registration or accreditation, ceasing or abrogation of the certificate force;

17.1.7 rendering the payment based certificate services;

17.1.8 Determining the certificate usage spheres and limitations, according to the legislation of the Azerbaijan Republic.

17.2 Before the center concludes a contract with the signature owner for the issuance of certificate, it must inform him/her on the certificate and signature means usage rules, center's legal status and accreditation situation.

17.3 The centers fulfill the following duties:

17.3.1 security of activity, preservation of the information related with the signature owner.

17.3.2 searches the documents given by the signature owner and in necessary cases, appeals to the related state body for the verification of them;

17.3.3 conducts the certificates registration, provides its actuality and the needed condition for a free, uninterrupted appeal to that;

17.3.4 gives information on certificates;

17.3.5 keeps documents on certificate services and information;

17.3.6 ceases, restores and abrogates the certificate force, in the cases stipulated in Articles 13 and 14 of this Law, and informs the signature owner and the person (body) who has appealed.

17.3.7 presents an information upon its activity, to the relevant executive body and replies its inquiries;

17.3.8 taking into account the period it begins to operate, provides to hold the security audit of the information system every year and presents its result to the appropriate executive body within 30 days;

17.3.9 provides its activity to be supervised by the appropriate executive body;

17.3.10 Executes the other duties stipulated in the legislation of the Azerbaijan Republic and in the contract between the sides;

17.4 Centers bears the responsibility for the following:

17.4.1 for the security of its activity, preservation of the signature creating information and information on the signature owner;

17.4.2 for the completeness and correctness of the information in certificate;

- 17.4.3 for the quality and exactitude of the certificate services;
- 17.4.4 for the illegal ceasing or abrogation of the certificate force;
- 17.4.5 for a damage to the signature owner, as a result of the center's activity;
- 17.4.6 for the not in due time delivery of the information to the signature owner, which had been determined to be able to effect the certificate usage.
- 17.5 The accredited center implements the issuance of the completion certificates in accordance with the rules determined by the legislation of the Azerbaijan Republic, this Law and appropriate executive body, and indicates its usage spheres and restrictions in certificate.
- 17.6 The accredited center that has guaranteed the certificate of the center of completion certificate and foreign certificate services bears the responsibility for a damage to the signature user, in accordance with the legislation of the Azerbaijan Republic.
- 17.7 The centers do not bear the responsibility for the violation of contract provisions by the signature owner, a damage to the signature user as a result of the non-observance of the certificate appointment.

#### Article 18. Requirements upon certificate services

- 18.1 During their activity, the centers must possess the technical, cadre and financial possibilities, and also financial possibilities to compensate a probable damage to the users, and serve confidentially and uninterruptedly.
- 18.2 The centers must use the certified signature means for the issuance of certificates, electronic signature creating and verification information.
- 18.3 The centers must hold the information system audit every year, before beginning operating and after registered, and apply the technics and technologies that can provide the confidential use of the system.
- 18.4 The centers must possess a scholarly, experienced and competent working staff.

#### Article 19. Ending the activity of certificate services center

- 19.1 Ending the center's activity is implemented in accordance with the civil legislation of the Azerbaijan Republic.
- 19.2 At least, 30 days before ending its activities, the center announces in the mass media or by other means, and informs the signature owners who possess certificates, which are in force, the certificate services centers, of which certificates it guarantees and with which, it has concluded guarantee contracts, and appropriate executive body.
- 19.3 The center implements the abrogation of certificates that are in force, after 30 days pass from the announcement.
- 19.4 The accredited center, after 30 pass from the ending of its activity, must turn over the completion certificates and information related with these and signature users' inquiries, to another accredited center or appropriate executive body. The certificates that have not been turned over are abrogated, and given to appropriate executive body, in accordance with Article 15 of this Law.
- 19.5 In the following cases, in accordance with the legislation of the Azerbaijan

Republic, the appropriate executive body may abrogate the centers registration, accreditation, and pretend to end their activity:

19.5.1 if the information and documents presented are not correct and lose their force;

19.5.2 if legal breaches are regularly done during its activity.

19.6 The activity of the center that serves for the corporative information system may be ended by the system owner's decision or conformably to the agreement of participants.

Article 20. Signature owner's rights, duties and responsibility

20.1 İmza sahibi aşağıdaki hüquqlara malikdir: The signature owner has the following rights:

20.1.1 to have a detailed information on centers, their services, signatures, signature means use and security rules;

20.1.2 to familiarize with the information about him/her, gathered in centers;

20.1.3 To resort a complain on the decisions upon ceasing, restoration and abrogation of the certificate force, and other matters related with the centers activity, in compliance with the legislation of the Azerbaijan Republic.

20.2 The signature owner must possess a capability to create signature

20.3 The signature owner is responsible for the preservation of the electronic signature creating data and signature means, and must not let another person use it. If the control over these is lost and a danger imposed to this, the signature owner must immediately inform the appropriate center and require to cease the certificate force.

20.4 The signature owner must obey the usage relations indicated in the appropriate completion certificate, while using the strengthened signature.

20.5 When the signature owner appeals to centers to conclude a contract, bears the responsibility for the completeness and correctness of the information he/she presents.

20.6 The signature owner bears the responsibility for a damage as a result of non-observance of provisions indicated in Article 20 of this Law, according to the legislation of the Azerbaijan Republic.

## Section IV

### Electronic document

Article 21. Requirements on electronic document

21.1 Electronic document must meet the following requirements:

21.1.1 must be created, stored, processed, sent and received, with the help of the technical and program means;

21.1.2 must have structure determined in Article 22 of this Law;

21.1.3 Must possess requisites that provide for identification;

21.1.4 must be visually presented with the help of technical and program means.

21.2 The list of the requisites needed for the identification and validity determination of electronic document is determined in conformity with the

legislation of the Azerbaijan Republic.

#### Article 22. Electronic document structure

22.1 Electronic document possesses a structure consisted of general and particular parts.

22.2 The electronic document content and information on the person it is addressed to, are indicate in its general part.

22.3 Electronic signature (signatures) and time indicator (indicators) added to electronic document, are indicated in the particular part of electronic document.

#### Article 23. Submission forms of electronic document

23.1 Electronic document possesses the internal and external submission forms.

23.2 The writtem form of electronic document in the datum carrier is the internal form.

23.3 The visual reflection of electronic document in another material object, except the datum carrier, is the external form.

#### Article 24. Original electronic document

24.1 The original electronic document can be only in the internal submission form.

24.2 All its copies same with each other in the internal submission form are considered as original and possesses an equal legal force.

24.3 Electronic document may not have copy in the lectronic form.

24.4 Each of the same document with the same content composed in the paper carrier and in the electronic form by the same person, is independent and possesses the same legal force. In this case, the document in the paper carrier is not considered as the copy of electronic document.

#### Article 25. Electronic document copy and order of proving it

25.1 The copy of electronic document is prepared with its approval of external submission form reflected in the paper carrier, in an order determined in the legislation of the Azerbaijan Republic.

25.2 In the electronic document copy in the paper carrier, it must be noted that it is a copy of the relevant electronic document.

25.3 The electronic document copy in a material object or another paper carrier, other than the paper carrier,

25.4 The original electronic document and its copy on the paper carrier, which meets the requirements of Article 25.1 of this Law, possess the equal legal force.

### Section V Electronic documents circulation

#### Article 26. Bases of arrangement of electronic documents circulation

26.1 The electronic document usage and circulation are implemented basing on the legislation of the Azerbaijan Republic and contract concluded between the subjects of the electronic documents circulation.

26.2 In the legislation of the Azerbaijan Republic and concluded contract, the rule of electronic documents exchange and technical-organizational requirements (documents exchange form, their verification procedure, the period, form etc. considered as admissible for the proving of purchase of document) are determined.

26.3 The documentation of the electronic document circulation is implemented on the basis of the business – like standards and rules determined with the legislation of the Azerbaijan Republic.

26.4 The electronic document usage and circulation in the corporative information system are regulated with the system's internal normative documents.

#### Article 27. Sending and receiving of electronic document

27.1 The electronic document that is sent personally or by the person who is authorized to act on another's behalf or automatically by the information system that operates in an order programmed by himself/herself, is considered as sent by the sender.

27.2 If other cases have not been stipulated in the contract between the sides, with the confirmation of the electronic document validity, the receiver is assured that the sender has sent that, and through any and /or automatical means, unequivocally informs the sender about the receipt.

27.3 In the following cases, the receiver must consider the electronic document as not sent by the sender:

27.3.1 if notified upon that the electronic document has not been sent;

27.3.2 if the electronic document validity has not been confirmed;

27.3.3 it has been known or must have been known to the receiver that the received electronic document is the automatical repetition of another document.

27.4 If other cases have not been stipulated in the contract between the sides, electronic document is considered as not received, till a confirmation reaches to the sender from the receiver.

27.5 If the confirmation has not been received within the period indicated by the sender or determined in the contract between the sides, the sender informs the receiver upon this and appoints the period of confirmation sending.

27.6 Article 27 does not regulate the other relations arising from documents content and receipt confirmation, with the exception of relations related with sending and receipt of electronic documents.

#### Article 28. Electronic documents sending and receipt time

28.1 If other cases have not been stipulated in the contract between the sides, the time when electronic document enters an information system out of the control of the electronic document sender or person who is authorized to act on his/her behalf, is considered as the sending time (date and time) of electronic document.

28.2 If other cases have not been stipulated between the sides, the time when electronic document enters the information system sent by the receiver, is considered as the receipt time of electronic document.

28.3 In the cases, if the sending and receipt time causes an argument, services of time indicators may be used.

Article 29. The storage method of electronic document is determined with the legislation of the Azerbaijan Republic, taking into account the following provisions:

29.1.1 electronic document shall store the structure that it was created, sent and received with;

29.1.2 electronic document shall provide to determine its sender, receiver and receipt time.

29.1.3 the information in electronic document may be used for another reference;

29.1.4 the electronic document storage period shall not be less than the period considered for the paper document;

29.1.5 shall conform with the legislation or other provisions determined with the sides' consent.

29.2 Article 29.1 of this Law does not refer to the electronic documents that are not necessary to store.

29.3 Conformably to the legislation of the Azerbaijan Republic, the other juridical and physical persons' services may be used for the electronic documents storage.

Article 30. Electronic documents preservation

30.1 The programs and technical means corresponding to the legislation of the Azerbaijan Republic, may be used at the time of electronic documents circulation, with the aim of preserving electronic document.

30.2 The proper level of the preservation actions in the information system and networks used in the electronic documents circulation, is provided by the owner of this system and networks.

30.3 The proper level of the preservation actions of electronic documents circulation in the corporative information systems is provided in accordance with the requirements of the legislation of the Azerbaijan Republic or corresponding to the participants' agreement.

Maddə 31. Mediator's rights, duties and responsibility

31.1 The mediator services may be used while storing, sending and receipt of electronic documents.

31.2 The mediator must possess the following to provide its activity:

31.2.1 technics and technologies providing the confidential use of the system;

31.2.2 well-knowledged, experienced and competent working staff;

31.2.3 the condition that can provide to define the time and source of served electronic documents;

31.2.4 a confidential system to store the information system indicated in the Article 31.2.3 of this Law.

31.3 The mediator must provide the 6-months storage of the information indicated in the Article 31.2.3 of this Law.

31.4 The mediator must be registered in an appropriate executive body to operate.

31.5 The mediator renders the contract bases services to the users.

31.6 The mediator who violates the requirements indicated in the Article 31.2 of

this Law, bears the responsibility in an order determined in the legislation of the Azerbaijan Republic.

31.7 The mediator provides the security of its activity and does not bear the responsibility for the content of electronic documents stored, sent and received.

#### Article 32. Electronic documents content with confidential information

32.1 The usage rules preservation actions of the electronic documents that possess the information, which constitutes the state, commercial and bank secrets and other confidential information, are determined with the legislation of the Azerbaijan Republic.

32.2 Only certified electronic signature and electronic documents circulation means must be used for the exchange of the electronic documents that constitute the state secrets in their structure.

32.3 The expertise of the information systems used for the compiling, processing and exchange of electronic documents, which constitute the state secrets in their structure is implemented in an order determined by the relevant executive body.

32.4 The persons allowed to work with the electronic documents stipulated in the Article 32.1 of this Law, must provide to take the needed measures for the preservation of these documents in accordance with the legislation of the Azerbaijan Republic.

32.5 According to the contract concluded between the sides, the persons conducting electronic documents circulation determine the ways of appeal to and preservation of the electronic documents, which possess the content with the confidential information, themselves, in compliance with the legislation of the Azerbaijan Republic.

### Section VI

#### Special provisions

#### Article 33. State regulation implementation

33.1 The regulation of the application and usage processes of the electronic signature, activity of the certificate services centers and control over it, are implemented by the relevant executive bodies.

33.2 The appropriate executive bodies fulfill the following duties in the sphere of the electronic signature usage regulation:

33.2.1 determines the signature creation and verification rules;

33.2.2 prepares the usage rules of the electronic signature and electronic document;

33.2.3 prepares the rules of certificate issuance and conduct of registration, determined the structure of information entered in that, and the list of the other information;

33.2.4 prepares the requirements and standards to the electronic signature, signature means and electronic documents circulation means;

33.2.5 determines the requirements and rules related with the registration and activity arrangement of centers, mediators;

- 33.2.6 registers centers, mediators, and abolishes the registration;
- 33.2.7 determines the center's accreditation order;
- 33.2.8 implements the accreditation of centers, foreign certificate services centers in the Azerbaijan Republic, and accreditation abolishment;
- 33.2.9 registers the registered centers and completion certificates issued to them;
- 33.2.10 provides to familiarize the public with the list of centers, and foreign centers that have passed the registration in the Azerbaijan Republic;
- 33.2.11 prepares the general rules and requirements, recommendations and gives advices on them;
- 33.2.12 conducts relations with the foreign organizations on the issues related with the signatures use, in an appropriate order according with the legislation of the Azerbaijan Republic;
- 33.2.13 replies to inquiries upon certificates issued to the centers that have passed the registration;
- 33.2.14 Determines the expertise rule of information systems;
- 33.3 The appropriate executive bodies possess the following rights in the spheres of control over the activity of certificate services centers:
  - 33.3.1 to have information from centers, on their activities;
  - 33.3.2 to specify information on centers, and in necessary cases, to directly familiarize with their activities;
  - 33.3.3 to conduct the services monitoring on their observance of the technical safety and certification rules;
  - 33.3.4 the breaches of law in the activity of centers are disclosed to take administrative measures that have been stipulated in this Law, to pretend to end their activity.

#### Article 34. Requirements on means of electronic signature and electronic documents circulation

- 34.1 With the aim of conducting secure electronic documents circulation, the expertise of these systems must be conducted via the information systems that are under the ownership or use of the state bodies, basing on the rule determined by the relevant executive body.
- 34.2 The certified safety means of the information that contain the state secrets or of other confidential information are used in the electronic documents circulation, in an appropriate order determined by the relevant executive body.
- 34.3 The used means of electronic signature and electronic documents circulation are certified in accordance with the legislation of the Azerbaijan Republic.

#### Article 35. Preservation of information on signature owner

- 35.1 Centers, mediators may not use the information that they possess while operating, and also information on the signature owner, for the unrelated aims with the execution of their duties.
- 35.2 Centers may only give the information included in certificate or related to it.
- 35.3 The employees of centers, mediators and other related persons are bound to protect the information known to them, and signature creating information, at the



time of their activities.

## Section VII

### Concluding provisions

Article 36. Responsibility for violation of legislation on electronic signature and document

36.1 The persons who are guilty in the violation of this Law bear the responsibility as stipulated by the legislation of the Azerbaijan Republic.

36.2 The users bear the individual responsibility to use the uncertified means of electronic signature and electronic documents circulation.

36.3 The owner of the system bears the responsibility for the security maintenance of the information system activity, and conducting of expertise in the determined way.

Article 37. Coming into force

This Law comes into force on the day of promulgation.

**İlham ALİYEV,**  
**President of the Republic of Azerbaijan**  
**Bakı city, March 9, 2004**