

Electronic Signature Act

Czechlands

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NAJAUTHORITATIVNEJŠÍ ZDROJ

e podpis

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NOTE

This document is the emended transcript of the "Electronic Signature Act" text found on the official website of the Bureau of Personal Data Protection (Úřad pro ochranu osobních údajů) – www.uoou.cz.

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PART I

Electronic Signature

ARTICLE 1 Purpose of the Act

This Act regulates the use of electronic signatures, the provision of related services, the monitoring of obligations set out hereby and sanctions for breaches of obligations set out hereby.

ARTICLE 2 Definition of terms

For the purposes hereof,

- a** ‘electronic signature’ shall refer to data in electronic form which are attached to a data message or which are logically associated therewith and which enables the identity of the signatory in relation to the data message to be verified;
- b** ‘advanced electronic signature’ shall mean an electronic signature which complies with the following requirements:
 - i** is uniquely linked to the signatory;
 - ii** allows identification of the signatory in relation to the data message;
 - iii** was created and attached to the data message by means of resources which the signatory is able to keep under his exclusive control;
 - iv** is attached to the data message to which it is related in such a way that it is possible to detect any subsequent change in the data;
- c** ‘data message’ shall mean electronic data which may be transmitted by electronic communication resources and which may be stored in recording media used in the processing and transfer of data by electronic means;
- d** ‘signatory’ shall mean a natural person who has a resource for the signature creation device and acts in his own name or on behalf of another natural or legal person;
- e** ‘certification service provider’ shall mean an entity issuing certificates and keeps records thereof, or which provides other services related to electronic signatures;
- f** ‘accredited certification service provider’ shall mean a provider of certification services to whom accreditation hereunder has been granted;
- g** ‘certificate’ shall mean a data message which is issued by a provider of certification services, which links data for the verification of signatures with the signatory and which enables the identity of this person to be verified;
- h** ‘qualified certificate’ shall mean a certificate which has all of the prerequisites set out hereby and which was issued by a provider of certification services which complies with the

conditions set out hereby for certification service providers issuing qualified certificates;

- i** ‘signature creation data’ shall mean unique data which the signatory’ uses to create an electronic signature;
- j** ‘signature verification data’ shall mean unique data which are used for the verification of an electronic signature;
- k** ‘signature creation device’ shall mean technical equipment or program resources which are used for the creation of electronic signatures;
- l** ‘signature verification device’ shall mean technical equipment or program resources which are used for the verification of electronic signatures;
- m** ‘secure signature creation device’ shall mean a signature creation device which complies with the requirements set out hereby;
- n** ‘secure signature verification device’ shall mean a signature verification device which complies with the requirements set out hereby;
- o** ‘electronic signature product’ shall mean technical equipment or program resources or components thereof which are used to procure certification services or for the creation or verification of electronic signatures;
- p** ‘accreditation’ shall mean certification that the certification service provider complies with the conditions set out hereby for the performance of the activity of an accredited certification service provider.

ARTICLE | 3
Compliance with requirements for signature

- 1** A data message is signed insofar as it is furnished with an electronic signature.
- 2** The use of an advanced electronic signature based on a qualified certificate and created by means of a secure signature creation device allows verification that the person specified on this qualified certificate has signed the data message.

ARTICLE | 4
Conformity to the original

The use of an advanced electronic signature guarantees that, if there is a violation of the content of the data message from the moment when it was signed, it will be possible to discover this violation.

ARTICLE | 5
Obligations of the signatory

- 1** The signatory is obliged
 - a** to handle the resources, as well as the data for creation of an advanced electronic signature, with the necessary care so as to prevent the unauthorized use thereof;

- b** to notify without delay the certification service provider which has issued the person with a qualified certificate of the fact that there is a risk of the abuse of its data for the creation of an advanced electronic signature;
- c** to submit accurate, true and complete information to the certification service provider in relation to the qualified certificate;

2 The signatory shall be liable for damage caused by a breach of obligations under paragraph (1), pursuant to statutory provisions (1). However, the signatory shall be exempted from liability if he or she can prove that the person who incurred damage did not perform all acts necessary in order to verify to himself or herself that the advanced electronic signature was valid and that its qualified certificate had not been rendered invalid.

ARTICLE
Obligations of
a certification service
provider issuing qualified
certificates

6

- 1** A certification service provider issuing qualified certificates is obliged
- a** to ensure that the certificates which it issued as being qualified contain all of the prerequisites set out hereby for qualified certificates;
 - b** to ensure that the information specified in the qualified certificates is accurate, true and complete;
 - c** prior to the issue of a qualified certificate, to safely verify, by means of the appropriate resources, the identity of the person to whom it is issuing the qualified certificate and, if applicable, that person's special symbols, if the purpose of the qualified certificate so requires;
 - d** to ascertain whether, at the time of issue of the qualified certificate, the signatory had data for the signature creation data corresponding to the data for the signature verification data contained in the qualified certificate;
 - e** to ensure that every person can assure himself or herself of the identity of the certification service provider and its qualified certificate;
 - f** to ensure the operation of a safe and publicly accessible register of qualified certificates issued, with remote access, and to update the information contained therein immediately upon every change;
 - g** to ensure the operation of a safe and publicly accessible register of qualified certificates which have been rendered invalid, with remote access;

- h** to ensure that the date and time, including statement of the hour, minute and second, when the qualified certificate was issued or rendered invalid can be accurately determined and that this information is available to third parties;
- i** to receive into employment or a similar relationship persons who have the professional knowledge, experience and qualification necessary for the services provided, and who are familiar with the relevant safety procedures;
- j** to use safe systems and instruments of electronic signature product and to ensure sufficient safety of the procedures which support these systems and instruments; an electronic-signature product is safe insofar as it complies with the requirements set out hereby and by the procedural declaration; this must be verified by the Bureau of Personal Data Protection (hereinafter referred to as “Bureau”);
- k** to adopt appropriate measures to prevent the abuse and forgery of qualified certificates and to ensure the concealment of data for the creation of advanced electronic signatures in the case that the certification service provider allows a signatory to create them within the framework of the services provided;
- l** to have at its disposal sufficient funds for operation in compliance with the requirements set out herein and with regard to the risk of liability for damage;
- m** to store all information and documentation on the qualified certificates issued for a period of at least 10 years from the expiration of the validity of the qualified certificate; the information and documentation must be stored in electronic form;
- n** prior to the conclusion of a contractual relationship with a person who applies for the issue of a qualified certificate, to inform that person in writing of the precise conditions for the use of the qualified certificate, including any restrictions in its use, and on the conditions governing complaints; the provider is also obliged to inform this person of whether or not the provider is accredited by the Bureau under Article 10; this information may be conveyed by electronic means; upon request, the substantial parts of this information must be available to third parties who are dependent upon this qualified certificate;
- o** to use a safe system for the storage of qualified certificates in a verifiable form in such a way that records or changes thereto might be made only by authorized persons, that it is possible to check the

correctness of the records and that any technical changes or program changes that violate these safety requirements are detectable.

- 2** A certification service provider issuing qualified certificates issues qualified certificates to the signatory on the basis of a contract. The contract must be in writing or otherwise it is invalid.
- 3** A certification service provider issuing qualified certificates may not store and copy data for the creation of an advanced electronic signature of persons to whom the provider provides its certification services.
- 4** If accreditation has been withdrawn from a certification service provider issuing qualified certificates by the Bureau, the provider is obliged to inform those parties to whom it provides its certification services of this fact, and to state this fact in the registers specified under paragraph (1)(f) and (g).
- 5** If the certification service provider is not accredited by the Bureau, it is obliged to declare to the Bureau, at least 30 days prior to the issue of its first qualified certificate, that it will be issuing qualified certificates.
- 6** If, in a qualified certificate, a certification service provider issuing qualified certificates has specified a restriction in the use of this certificate, including restrictions on the value of the transaction for which the qualified certificate may be used, these restrictions must be recognizable by third parties.
- 7** A certification service provider issuing qualified certificates must, without delay, terminate the validity of a certificate if the signatory so requests or in the case that the certificate was issued on the basis of untrue or erroneous data.
- 8** A certification service provider must also terminate the validity of a qualified certificate if it discovers demonstrably that the signatory has died or that a court has deprived this person of his or her competence to perform legal acts or has imposed limitations on this competence (2), or if the information on the basis of which the certificate was issued has ceased to apply.
- 9** Operational documentation must be kept on all activity of a provider of certification issuing qualified certificates. This documentation must contain the following information:
 - a** the contract with the signatory for the issue of the qualified certificate;
 - b** the issued qualified certificate;
 - c** copies of the submitted personal documents of signatory;

- d confirmation of the receipt of the qualified certificate by the signatory;
- e precise time determination of the validity period of the issued qualified certificate.

10 Employees of the certification service provider issuing qualified certificates, and any other natural persons who come into contact with personal information and data for the signature creation data of signatory, are obliged to maintain confidentiality concerning personal data, data for the signature creation data and safety precautions the dissemination of which might jeopardize the safeguarding of personal information and data for the signature creation data. The confidentiality obligation survives the termination of employment or the relevant work.

ARTICLE
Liability for damage

7

- 1** The certification service provider issuing qualified certificates shall be liable for damage caused by a breach of obligations set out hereby under statutory provisions ⁽³⁾.
- 2** The certification service provider shall not be liable for damage, ensuing from the use of a qualified certificate, which has occurred as a result of the failure to comply with restrictions on its use.

ARTICLE
Personal data protection

8

The protection of personal data shall be governed by statutory legislation ⁽⁴⁾.

ARTICLE
Accreditation and
supervision

9

- 1** The granting of accreditation for operation as an accredited certification service provider, as well as supervision of compliance with this Act, is a matter for the competence of the Bureau.
- 2** The Bureau shall
 - a** grant and withdraw accreditation for operation as an accredited certification service provider to entities operating on the territory of the Czechlands;
 - b** exercise supervision of the activities of accredited certification service provider and certification service providers issuing qualified certificates, and shall impose upon them remedial measures and fines for breaches of obligations hereunder;
 - c** keep a record of accreditation granted and of changes thereto, and shall keep a record of the certification service providers which have informed the Bureau that they are issuing qualified certificates;
 - d** regularly publish a review of accreditations granted and a review of certification service providers issuing

qualified certificates, in a manner that allows remote access;

- e** evaluate the compliance of electronic signature products with the requirements set out hereby and by the procedural declaration;
- f** fulfill other obligations set out hereby (for example, Article 10(7), Article 13(2) and Article 16(2)).

- 3** For the purpose of exercising supervision, an accredited certification service provider issuing qualified certificates is obliged to allow authorized employees of the Bureau access, to such an extent as is absolutely necessary, to its business and operational premises, upon request to present documentation, records, documents, written materials and other materials related to its activity, to allow them access, to such an extent as is absolutely necessary, to its information system and to provide information and all necessary co-operation.
- 4** Unless this Act sets out otherwise, while exercising supervision the Bureau shall proceed in accordance with the statutory legislation ⁽⁵⁾.

ARTICLE
Conditions for the granting
of accreditation for the
provision of certification
services

10

- 1** Every certification service provider must apply to the Bureau for a grant of accreditation for the performance of the activity of an accredited certification service provider. The submission of the application for accreditation is subject to an administrative fee ⁽⁶⁾.
- 2** In the application for accreditation under paragraph (1), the applicant must provide evidence of
- a** the business name, registered office and identification number of the applicant;
 - b** a document of authorization to carry on entrepreneurial activity and, in the case of a person registered in the Commercial Register, an extract from the Commercial Register no older than 3 months;
 - c** the extract from the Criminal Register of the entrepreneur/natural person or of the statutory representatives of the legal person in the case that the applicant is a legal person, no older than 3 months;
 - d** the material, personnel and organizational prerequisites for the activity of a certification service provider issuing qualified certificates under Article 6 hereof;
 - e** information on whether the applicant is already issuing or intends to issue qualified certificates;
 - f** a document of the payment of the administrative fee.

- 3** If the application does not contain all of the required information, the Bureau shall interrupt the proceedings and shall call upon the applicant to complete the application within a specified time period. If the applicant fails to do so within the allocated time period, the Bureau shall stop the proceedings. In this case, the administrative fee shall not be returned.
- 4** If the applicant satisfies all the conditions prescribed hereby for the granting of accreditation, the Bureau shall issue a decision whereby it shall grant accreditation to the applicant. In the opposite case, the Bureau shall reject the application for grant of accreditation.
- 5** An accredited certification service provider must have its registered office on the territory of the Czechlands.
- 6** Besides the activities specified herein, an accredited certification service provider may operate without the consent of the Bureau only as an attorney, notary or expert (7).
- 7** Verification by the Bureau of the qualified certificate of the certification service provider forms part of the decision of the Bureau.

ARTICLE
untitled

11

In the area of organs of public authority, only advanced electronic signatures and qualified certificates issued by an accredited certification service provider may be used.

ARTICLE
Requirements for
a qualified certificate

12

- 1** A qualified certificate must contain
 - a** designation that it is issued as a qualified certificate hereunder;
 - b** the business name of the certification service provider and its registered office, and specification that the certificate was issued in the Czech Republic;
 - c** the name and surname of the signatory, or that person's pseudonym with appropriate designation that it is a pseudonym;
 - d** special symbols of the signatory if the purpose of the qualified certificate so requires;
 - e** signature verification data, which correspond to the data for the signature creation data which are under control of the signatory;
 - f** the advanced electronic signature of the certification service provider which is issuing the qualified certificate;

- g** the number of the qualified certificate, which is unique in the case of the certification service provider in question;
- h** the commencement and expiration of the validity of the qualified certificate;
- i** if applicable, information on whether the use of the qualified certificate is restricted by nature and extent to certain uses only;
- j** if applicable, restrictions on the values of transactions for which the qualified certificate may be used.

2 The qualified certificate may contain other personal data only with the permission of the signatory.

ARTICLE
Obligations of
an accredited certification
service provider upon
termination of activity

13

- 1** An accredited certification service provider must announce its intention to terminate its activity to the Bureau at least 3 months prior to the planned date of termination of the activity, and must use its utmost efforts to ensure that the valid qualified certificates are taken over by another accredited certification service provider. The accredited certification service provider must also demonstrably inform every signatory to whom it provides its certification services of its intention to terminate its activity, at least 2 months in advance.
- 2** If an accredited certification service provider is unable to ensure that another accredited certification service provider take over the valid qualified certificates, it is obliged to inform the Bureau thereof in time. In such a case, the Bureau shall take over the recording of qualified certificates issued and shall notify the signatory thereof.
- 3** The provisions of paragraphs (1) and (2) shall also apply, as appropriate, in the case when an accredited certification service provider becomes extinct, dies or ceases to perform its activity without fulfilling the announcement obligation under paragraph (1).

ARTICLE
Remedial measures

14

- 1** If the Bureau discovers that an accredited certification service provider or certification service provider issuing qualified certificates is in breach of obligations set out hereby, it will enjoin it to arrange for remedy within a stipulated time period and, if applicable, shall determine what measures for the removal of the deficiencies this certification service provider is obliged to adopt.
- 2** If an accredited certification service provider commits a serious breach of obligations set out hereby, or if it fails to remove deficiencies discovered by the Bureau within the

allocated time period, the Bureau is entitled to withdraw its accreditation.

- 3 If the Bureau decides on the withdrawal of accreditation, it may simultaneously terminate the validity of qualified certificates issued by the certification service provider within the validity period of the accreditation.

ARTICLE
Cancellation of a qualified
certificate

15

- 1 The Bureau may order a certification service provider to invalidate the qualification certificate of a signatory as a preliminary measure ⁽⁸⁾ if there exists a justifiable suspicion that the qualified certificate was forged, or if it was issued on the basis of untrue information. An order for the invalidation of the qualified certificate may also be issued if it is discovered that the signatory is using a resource for the signature creation device, which contains safety deficiencies which could enable the forgery of advanced electronic signatures or the changing of the signed data.
- 2 The register of certificates under Article 6(1)(g) must contain precise specification of the time from when the certificate was invalidated. It is not permitted to restore invalidated certificates to operation and use them.

ARTICLE
Recognition of foreign
certificates

16

- 1 A certificate which is issued by a foreign certification service provider as qualified as set forth hereunder may be used as a qualified certificate if it is recognized by a certification service provider issuing qualified certificates hereunder, and on the condition that this certification service provider guarantees the correctness and validity of the qualified certificate issued abroad to the same extent as it does its own qualified certificates.
- 2 A certificate which is issued by a foreign certification service provider as qualified as set forth hereunder is recognized as a qualified certificate if this follows from a decision of the Bureau or from international agreements, or if an agreement on mutual recognition of certificates has been entered into between the relevant foreign organ or foreign certification service provider and the Bureau.

ARTICLE
Resources for the safe
creation and verification of
advanced electronic
signatures

17

- 1 A resource for the secure signature creation device must, by means of appropriate technical and program resources and procedures, at least ensure that
 - a the data for the signature creation data, can appear only once, and that the concealment thereof is secured as is necessary;
 - b it is not possible, when the requisite security is applied, to infer the data for the signature creation data from knowledge of the manner of its creation, and that the

signature is protected against forgery with the use of existing available technology;

- c** the data for the signature creation data can be reliably protected by the signatory from abuse by a third party.
- 2** Resources for the secure signature creation device may not alter data that are signed, nor may they prevent this data from being presented to the signatory prior to the actual process of signing.
- 3** A resource for the secure signature creation device must, by means of appropriate technical and program resources and procedures, at least ensure that
- a** the data used for verification of a signature corresponds to the data displayed to the person performing the verification;
 - b** the signature is reliably verified and the result of this verification is duly displayed;
 - c** the verifying person is able to reliably ascertain the content of the signed data;
 - d** the correctness and validity of the certificate is reliably ascertained during verification of the signature;
 - e** the result of the verification and identity of the signatory are duly displayed;
 - f** the use of a pseudonym is clearly designated;
 - g** it is possible to ascertain all changes affecting security.

- 1** The Bureau may impose a fine of up to CZK10,000,000 upon an accredited certification service provider or upon a certification service provider issuing qualified certificates which breaches an obligation imposed hereby.
- 2** If, within a year of the day on which the decision upon the imposition of a fine acquired legal force, an accredited certification service provider or certification service provider issuing qualified certificates has again breached obligations imposed upon it hereby, a fine of up to CZK20,000,000 may be imposed upon it.
- 3** An accredited certification service provider or certification service provider issuing qualified certificates which thwarts a control procedure performed by the Bureau may be punished, even repeatedly, with an order penalty of up to CZK1,000,000.
- 4** A fine of up to CZK25,000 may be imposed, even repeatedly, upon a person who, even owing to negligence, fails to provide the Bureau with the necessary co-operation during the performance of a control procedure.

- 5 During the process of deciding upon the value of a fine, consideration is given to the manner of conduct, degree of fault, seriousness, extent, duration and consequences of the unlawful action.
- 6 A fine may be imposed within one year of the day on which the relevant organ discovered the breach of obligation, but no later than three years from the day on which the breach of obligation took place.
- 7 Fines are collected by the Bureau. Fines are enforced by the regional financial organ pursuant to statutory provisions ⁽⁹⁾.
- 8 Revenues from fines constitute income of the state budget of the Czech Republic.

ARTICLE | 19
untitled

Unless this Act sets out otherwise, statutory legislation shall apply to proceedings hereunder ⁽¹⁰⁾.

ARTICLE | 20
Authorizing provisions

The Bureau is authorized to issue declarations for the detailed specification of the conditions set out in Articles 6 and 17 and of the method whereby compliance therewith will be documented, and to specify the requirements with which electronic signature product must comply, and for the requirements of the procedure and method of evaluating the compliance of electronic signature product with these requirements.

PART II Amendment to the Civil Code

ARTICLE | 21
untitled

Act No. 40/1964 (Law Gazette), the Civil Code, as amended by Act No. 58/1969 (Law Gazette), Act No. 131/1982 (Law Gazette), Act No. 94/1988 (Law Gazette), Act No. 188/1988 (Law Gazette), Act No. 87/1990 (Law Gazette), Act No. 105/1990 (Law Gazette), Act No. 116/1990 (Law Gazette), Act No. 87/1991 (Law Gazette), Act No. 509/1991 (Law Gazette), Act No. 264/1992 (Law Gazette), Act No. 267/1994 (Law Gazette), Act No. 104/1995 (Law Gazette), Act No. 118/1995 (Law Gazette), Act No. 89/1996 (Law Gazette), Act No. 94/1996 (Law Gazette), Act No. 227/1997 (Law Gazette), Act No. 91/1998 (Law Gazette), Act No. 165/1998 (Law Gazette), Act No. 159/1999 (Law Gazette), Act No. 363/1999 (Law Gazette), Act No. 27/2000 (Law Gazette) and Act No. 103/2000 (Law Gazette), is amended thus:

In Article 40(3), the following sentence is added:

“If a legal act is carried out by electronic means, it may be signed electronically pursuant to statutory provisions.”.

ARTICLE
untitled

22

PART III
Amendment to Act No. 337/1992 on the
Administration of Taxes and Charges (Law
Gazette)

Act No. 337/1992 (Law Gazette), on the Administration of Taxes and Charges, in the wording of Act No. 35/1993 (Law Gazette), Act No. 157/1993 (Law Gazette), Act No. 302/1993 (Law Gazette), Act No. 315/1993 (Law Gazette), Act No. 323/1993 (Law Gazette), Act No. 85/1994 (Law Gazette), Act No. 255/1994 (Law Gazette), Act No. 59/1995 (Law Gazette), Act No. 118/1995 (Law Gazette), Act No. 323/1996 (Law Gazette), Act No. 61/1997 (Law Gazette), Act No. 242/1997 (Law Gazette), Act No. 91/1998 (Law Gazette), Act No. 168/1998 (Law Gazette), Act No. 29/2000 (Law Gazette), Act No. 159/2000 (Law Gazette) and Act No. 218/2000 (Law Gazette), is amended thus:

Article 21(2) and (3) shall read:

“(2) If this Act or a special law so sets out, tax-paying entities shall submit tax returns, declarations and calculations concerning their tax obligations to the pertinent tax administrator on the prescribed printed materials. Materials published in electronic form may be signed electronically pursuant to statutory provisions.

(3) Other submissions in matters of taxation, such as notices, applications, requests, proposals, objections, appeals, etc., may be made either in writing or orally onto record or electronically signed pursuant to statutory provisions or with the use of other transmission equipment (telegram, fax, etc.).”.

ARTICLE
untitled

23

PART IV
Amendment to the Administrative Code

Act No. 71/1967 (Law Gazette), on Administrative Proceedings (Administrative Code), as amended by Act No. 29/2000 (Law Gazette), is amended thus:

Article 19(1) shall read:

“(1) Submissions may be made either in writing or orally onto record or electronically signed pursuant to statutory provisions. They may also be made telegraphically; such submissions which contain proposals in the matter must be supplemented in writing or orally onto record within 3 days.”.

PART V Amendment to the Civil Procedure Code

Act No. 99/1963 (Law Gazette), the Civil Procedure Code, as amended by Act No. 36/1967 (Law Gazette), Act No. 158/1969 (Law Gazette), Act No. 49/1973 (Law Gazette), Act No. 20/1975 (Law Gazette), Act No. 133/1982 (Law Gazette), Act No. 180/1990 (Law Gazette), Act No. 328/1991 (Law Gazette), Act No. 519/1991 (Law Gazette), Act No. 263/1992 (Law Gazette), Act No. 24/1993 (Law Gazette), Act No. 171/1993 (Law Gazette), Act No. 117/1994 (Law Gazette), Act No. 152/1994 (Law Gazette), Act No. 216/1994 (Law Gazette), Act No. 84/1995 (Law Gazette), Act No. 118/1995 (Law Gazette), Act No. 160/1995 (Law Gazette), Act No. 238/1995 (Law Gazette), Act No. 247/1995 (Law Gazette), Constitutional Court Finding No. 31/1996 (Law Gazette), Act No. 142/1996 (Law Gazette), Constitutional Court Finding No. 269/1996 (Law Gazette), Act No. 202/1997 (Law Gazette), Act No. 227/1997 (Law Gazette), Act No. 15/1998 (Law Gazette), Act No. 91/1998 (Law Gazette), Act No. 165/1998 (Law Gazette), Act No. 326/1999 (Law Gazette), Act No. 360/1999 (Law Gazette), Constitutional Court Finding No. 2/2000 (Law Gazette), Act No. 27/2000 (Law Gazette), Act No. 30/2000 (Law Gazette), Act No. 46/2000 (Law Gazette), Act No. 105/2000 (Law Gazette), Act No. 130/2000 (Law Gazette), Act No. 155/2000 (Law Gazette) and Act No. 220/2000 (Law Gazette), is amended thus:

The first sentence of Article 42(1) shall read:

“A submission may be made in writing, orally onto record, in electronic form signed electronically pursuant to statutory provisions, telegraphically or by fax.”.

PART VI Amendments to the Criminal Code

Act No. 141/1961 (Law Gazette), on Court Criminal Proceedings (the Criminal Code), as amended by Act No. 57/1965 (Law Gazette), Act No. 58/1969 (Law Gazette), Act No. 149/1969 (Law Gazette), Act No. 48/1973 (Law Gazette), Act No. 29/1978 (Law Gazette), Act No. 43/1980 (Law Gazette), Act No. 159/1989 (Law Gazette), Act No. 178/1990 (Law Gazette), Act No. 303/1990 (Law Gazette), Act No. 558/1991 (Law Gazette), Act No. 25/1993 (Law Gazette), Act No. 115/1993 (Law Gazette), Act No. 292/1993 (Law Gazette), Act No. 154/1994 (Law Gazette), Constitutional Court Finding No. 214/1994 (Law Gazette), Constitutional Court Finding No. 8/1995 (Law Gazette), Act No. 152/1995 (Law Gazette), Act No. 150/1997 (Law Gazette), Act No. 209/1997 (Law Gazette), Act No. 148/1998 (Law Gazette), Act No. 166/1998 (Law Gazette), Act No. 191/1999 (Law

Gazette), Act No. 29/2000 (Law Gazette) and Act No. 30/2000 (Law Gazette), is amended thus:

Article 59(1) shall read:

“(1) Submissions are at all times judged in accordance with their contents, even if they are incorrectly designated. They may be made in writing, orally onto record, in electronic form signed electronically pursuant to statutory provisions, telegraphically, by fax or by telegram.”.

PART VII

Amendment to the Personal Data Protection Act

ARTICLE
untitled

26

Act No. 101/2000 (Law Gazette), on the Protection of Personal Data and on Amendments to Some Related Acts, is amended thus:

To Article 29, paragraph 4 is added, and shall read:

“(4) The Bureau grants and withdraws accreditation for operation as an accredited certification service provider and exercises supervision of compliance with the obligations set out by the Electronic Signature Act.”.

PART VIII

Amendment to the Administrative Fees Act

ARTICLE
untitled

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Act No. 368/1992 (Law Gazette), on Administrative Fees, as amended by Act No. 10/1993 (Law Gazette), Act No. 72/1994 (Law Gazette), Act No. 85/1994 (Law Gazette), Act No. 273/1994 (Law Gazette), Act No. 36/1995 (Law Gazette), Act No. 118/1995 (Law Gazette), Act No. 160/1995 (Law Gazette), Act No. 301/1995 (Law Gazette), Act No. 151/1997 (Law Gazette), Act No. 305/1997 (Law Gazette), Act No. 149/1998 (Law Gazette), Act No. 157/1998 (Law Gazette), Act No. 167/1998 (Law Gazette), Act No. 63/1999 (Law Gazette), Act No. 166/1999 (Law Gazette), Act No. 167/1999 (Law Gazette), Act No. 223/1999 (Law Gazette), Act No. 326/1999 (Law Gazette), Act No. 352/1999 (Law Gazette), Act No. 357/1999 (Law Gazette), Act No. 360/1999 (Law Gazette), Act No. 363/1999 (Law Gazette), Act No. 46/2000 (Law Gazette), Act No. 62/2000 (Law Gazette), Act No. 117/2000 (Law Gazette), Act No. 133/2000 (Law Gazette), Act No. 151/2000 (Law Gazette), Act No. 153/2000 (Law Gazette), Act No. 154/2000 (Law Gazette), Act No. 156/2000 (Law Gazette) and Act No. 158/2000 (Law Gazette), is amended thus:

1. To the Annex to the Act (Administrative Fee Rate Book), a new Part XII is added, and shall read:

“PART XII

PROCEEDINGS UNDER THE ELECTRONIC
SIGNATURE ACT

Item 162

(a) submission of application for accreditation of a certification
service provider CZK100,000

(b) submission of application for evaluation of the compliance
of electronic signature product with the requirements
CZK10,000.”.

2. Part XII is added to the INDEX TO THE RATE BOOK,
and shall read:

“PART XII

Proceedings under the Electronic Signature Act 162.”.

3. The full stop after Part XI is omitted.

PART IX
Coming into Effect

ARTICLE
untitled

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This Act shall come into effect on the first day of the third
calendar month after the date of its publication. ☒☒

REFERENCES

- (1) Act No. 40/1964 (Law Gazette), the Civil Code, as amended.
 - (2) Section 10 Act No. 40/1964 (Law Gazette), as amended by Act No. 509/1991 (Law Gazette).
 - (3) Act No. 40/1964 (Law Gazette), the Civil Code, as amended.
 - (4) Act No. 101/2000 (Law Gazette), on Protection of Personal Data and on Amendments to Some Related Acts.
 - (5) Act No. 552/1991 (Law Gazette), on State Control, as amended.
 - (6) Act No. 368/1992 (Law Gazette), on Administrative Fees, as amended.
 - (7) Act No. 85/1996 (Law Gazette), on Advocacy, as amended by Act No. 210/1999 (Law Gazette)
Act No. 358/1992 (Law Gazette), on Notaries and their Activity (Notarial Code), as amended.
Act No. 36/1967 (Law Gazette), on Experts and Interpreters.
 - (8) Article 43 Act No. 71/1967 (Law Gazette), on Administrative Proceedings (Administrative Code).
 - (9) Act No. 337/1992 (Law Gazette), on Administration of Taxes and Charges, as amended.
 - (10) Act No. 71/1967 (Law Gazette), as amended by Act No. 29/2000 (Law Gazette).
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