

Certificate Policy of the Certification Body of the German Federal Chamber of Notaries



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Document history

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1 Introduction

1.1 Overview

The German Federal Chamber of Notaries is a qualified trust service provider within the meaning of Art. 3 lit. 20 of the eIDAS Regulation. Trust services offered are qualified certificates for electronic signatures for natural persons (QCP-n-qscd) and qualified electronic time stamps. The use of qualified certificates for electronic signatures requires the use of a qualified electronic signature creation device (the **QSCD**).

With regard to these trust services, the VDA BNotK has conformity assessments by a recognised conformity assessment body confirming compliance with the requirements laid down in the eIDAS Regulation and the standards ETSI EN 319 401, 319 411-1 and 319 411-2 or ETSI EN 319 421.

This document is the Certificate Policy of the Certification Body of the German Federal Chamber of Notaries (also the **Trust Service Provider German Federal Chamber of Notaries** – in short the **VDA BNotK**) for these trust services in the form of a Certificate Policy (in short the **CP**) and represents the requirements and specifications for Public Key Infrastructure (the **PKI**) operated by the Certification Body of the German Federal Chamber of Notaries. The Head of the Certification Body ensures that the requirements and specifications of the Certificate Policy are implemented within the VDA BNotK.

The structure of the Certificate Policy is based on the RFC 3647 standard to facilitate comparison with the Certificate Policies of other trust service providers.

Only the German version of this Certificate Policy is authoritative. In case of discrepancies between the German and the English version of this document, only the German version shall apply.

This Certificate Policy is not legally binding. Instead, the relationship between VDA BNotK and the certificate holder or the relying third party shall be governed exclusively by the contractual provisions or, in the absence of a contractual relationship, by the statutory provisions. Unless expressly stated otherwise, this Certificate Policy does not contain any assurances, guarantees or warranties.

1.2 Name and identification of the document

Document name: Certificate Policy of the Certification Body of the German Federal Chamber of Notaries

Identification (OID): 1.3.6.1.4.1.41460.5.1.1.1.2.1.5

Version: 1.5

1.3 PKI participant

1.3.1 Certification Body

The Certification Body (also the **Certificate Authority** – **CA** for short) issues certificates and provides information on their status.

The VDA BNotK currently issues the following types of certificates:

- ▶ Qualified personal certificates for natural persons as well as
- ▶ qualified electronic time stamps.

1.3.2 Registration authorities

The registration body (also known as the **Registration Authority** – **RA** for short) identifies and authenticates certificate holders, records and verifies requests from certificate holders for the provision of trust services by the Certification Body. The VDA BNotK itself performs the tasks of the Registration Authority. Requests for revocation of a certificate issued by the Certification Body are also recorded, checked and forwarded to the Certification Body by the Registration Body.

1.3.3 Certificate holders and end users

Certificate holders (including the **Subscriber**) are natural persons who hold certificates issued by the Certification Body. End users (including the **Subject**) use the issued certificates. End users and certificate holders of certificates issued by the VDA BNotK are identical persons.

The VDA BNotK issues certificates exclusively to members of the following professional groups and as part of operating the video communication system in accordance with § 78p BNotO: notaries appointed in Germany, notarial administrators and notarial processors as well as their employees, retired notaries, notarial representatives, notarial assistants, notarial assistants, trainee notaries, employees of German notarial organisations, members of the German judiciary, bailiffs, lawyers admitted or appointed in Germany, tax consultants and auditors as well as their employees, applicants for admission to the bar in Germany, employees of German lawyers' organisations.

The VDA BNotK reserves the right to issue certificates to other persons in the professional environment of the German notarial profession or the German judiciary.

As a matter of principle, the VDA BNotK does not issue certificates to itself. Certificates are issued to employees of the German Federal Chamber of Notaries public body as certificate users if and insofar as this is necessary.

1.3.4 Trusting third parties

Relying third parties (also the **Relying Party** or the **Relying Third Party**) are natural or legal persons or other third parties, such as authorities, who rely on the trustworthiness of the certificates issued by the VDA BNotK.

1.3.5 Other participants

Other participants are third parties to whom the Certification Body has transferred functions and/or tasks (the **Other Participants**).

In selected cases, the VDA BNotK has transferred certification/registration body tasks to third parties. The requirements and specifications for the transfer of tasks to third parties are described in the security concept of the VDA BNotK.

1.4 Use of certificates

Certificates subject to this Certificate Policy may in principle only be used by the certificate holders for professional purposes. The certificate holders are responsible for ensuring that the certificates issued by the VDA BNotK are used in accordance with the contractual and legal provisions. The VDA BNotK accepts no liability in the event that a certificate holder uses a certificate for other than professional purposes.

Regulations deviating from this require a written agreement with the VDA BNotK.

Further regulations are described in the certification concept belonging to the certificate.

1.5 Administration of the Certificate Policy

This Certificate Policy is administered by the Certification Body of the German Federal Chamber of Notaries. It is reviewed regularly, at least every twelve months, and updated if necessary. A review is carried out in particular in the event of a change in the legal situation as well as in the event of a change in operational procedures. The head of the Certification Body of the German Federal Chamber of Notaries or, if he is prevented, his designated deputy is responsible.

Only the head of the Certification Body of the German Federal Chamber of Notaries or, if he is prevented from doing so, his designated deputy can make a change. Pursuant to an operational instruction, amendments are only published if approved by the Head of the Certification Body of the German Federal Chamber of Notaries or, if he is unable to do so, by his designated deputy. The amended version is published without delay. The change is indicated by the assignment of a new version number.

The contact person responsible for administration can be reached at the following address:

Zertifizierungsstelle der Bundesnotarkammer
 (Certification Body of the German Federal Chamber of Notaries)
 attn. Head of the Certification Body
 Burgmauer 53
 50667 Cologne

Tel.: +49 (2 21) 27 79 35-0
 Fax: +49 (2 21) 27 79 35-20
 Email: zs@bnotk.de

1.6 Definitions and abbreviations

Term	Description
GTC	General Terms and Conditions for the Certification Service of the German Federal Chamber of Notaries (German abbreviation "AGB")
Other participants	See section 1.3.5.
BDSG	German Federal Data Protection Act [<i>Bundesdatenschutzgesetz</i>]
BNetzA	Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway
CA/Certificate Authority	See Certification Body
GDPR	Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data, on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation)
eIDAS Regulation	Regulation (EU) No. 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC
LDAP	Lightweight Directory Access Protocol

Term	Description
OCSP	Online Certificate Status Protocol
PKI	Public Key Infrastructure
QCP-n	Qualified Certificate Policy for qualified certificates issued to natural persons
QCP-n-qscd	Qualified Certificate Policy for Qualified Certificates issued to natural persons holding a private key for the certified public key in a QSCD
QSCD	Qualified electronic signature creation device as defined in Art. 3 lit. 23 eIDAS
RA/Registration Authority	See Registration Authority
Registration Authority	See section 1.3.2
Root CA	Uppermost certification authority of a PKI
Third Parties Entitled to Revocation	See Section 4.4.3. of the Certification Concept of the Certification Body of the German Federal Chamber of Notaries
VDA BNotK	Certification body of the German Federal Chamber of Notaries
Trusting third parties	See section 1.3.4
VDG	German Trust Services Act [<i>Vertrauensdienstegesetz</i>]
Certificate	Qualified certificate for electronic signatures within the meaning of Art. 3 No. 15 eIDAS Regulation
Certificate holder	See section 1.3.3
Certification Body	See section 1.3.1

1.7 Transfer of tasks to third parties

The transfer of tasks to third parties takes place on the basis of and in accordance with a private law agreement. The contractual agreements ensure that the legal requirements resulting from the delegation of tasks and the regulations of the Certificate Policy, the certification concept (if required) and the security concept are complied with. The contracts with the third parties also contain the obligation to cooperate in internal and external audits as well as to enable inspection visits by the competent supervisory authority. The tasks and obligations of the third parties are specified in the respective contractual agreement.

The third parties undertake to use only reliable, adequately trained and competent employees to perform the tasks transferred to them by the VDA BNotK. The VDA BNotK has the possibility to exclude unreliable employees of the commissioned third party from the process. The VDA BNotK has the right to inspect the documentation available at the third party regarding the reliability and expertise of the staff employed.

The VDA BNotK has (partially) transferred tasks to third parties in the following areas:

- ▶ Hotline for telephone revocation requests regarding qualified certificates and
- ▶ Operation of the computer centre.

Even when tasks are transferred to third parties, the overall responsibility for the operation of the trust service remains in the hands of the VDA BNotK. If the third parties violate their contractual obligations, the VDA BNotK may be entitled to claim damages.

Details on this are laid down in the security concept.

1.8 Contact

Please address enquiries to the VDA BNotK to the following person:

Leiter der Zertifizierungsstelle der Bundesnotarkammer
(Head of the Certification Body of the German Federal Chamber of Notaries)
Burgmauer 53
50667 Cologne
Tel.: +49 (2 21) 27 79 35-0
Fax: +49 (2 21) 27 79 35-20
Email: zs@bnotk.de

2 Directories and Publications

2.1 Directories

The certificates issued by the VDA BNotK are kept publicly retrievable, provided that the certificate holder agrees to the publication. For this purpose, the VDA BNotK publishes the certificates in a publicly available LDAP directory.

In addition, the VDA BNotK provides an online service (**OCSP**) for querying the validity of the certificates issued by the VDA.

The status of the qualified certificates issued by the VDA BNotK can be retrieved for a period of at least 10 years after the end of the validity of the respective certificate.

Further details can be found in the applicable certification concept of the certificate in section 2.1.

2.2 Publication of information on certificates

This regulation is described in the applicable certification concept for the certificate in section 2.2.

2.3 Timing and frequency of publications

This Certificate Policy, the respective Certification Concepts as well as the certifications of the Conformity Assessment Bodies are published and are available on the website of the VDA BNotK under the following link: <https://zertifizierungsstelle.bnotk.de/veroeffentlichungen>.

In case of updating, the new versions will be published.

Further regulations are described in the respective applicable certification concept for the certificate in section 2.3.

2.4 Access to the information

The certificates as well as the General Terms and Conditions, the Certificate Policy, the Certification Concept and the PKI Disclosure Statement (PDS) are publicly accessible free of charge at the following address: <https://zertifizierungsstelle.bnotk.de/veroeffentlichungen>. There are no restrictions on read access. Changes to the content are made exclusively by the VDA BNotK. The VDA BNotK shall ensure that access is possible at all times. Faults in access will be remedied without delay.

2.5 Accessibility

The promotion and improvement of comprehensive access to and unrestricted opportunities for use of all areas of life for people with disabilities is a particular concern of the German Federal Chamber of Notaries.

Unfortunately, the qualified certificates for electronic signatures offered by the Certification Body of the German Federal Chamber of Notaries are currently not accessible and usable without barriers. Special hardware and software is required to use the trust service, including in the form of a qualified electronic signature creation device, a card reader and software suitable for creating an electronic signature. These components are currently not available in a version usable by persons with disabilities.

The above applies in the same way to the qualified time stamps offered by the Certification Body of the German Federal Chamber of Notaries.

3 Identification and authentication

The identification and authentication of certificate holders complies with the legal requirements and is based on product- and customer-specific requirements.

Details are described in section 3 of the certification concept.

4 Operating requirements

The operational requirements for certificates of the VDA BNotK comply with the legal requirements and are based on product- and customer-specific requirements.

Details are described in the certification concept.

5 Non-technical security measures

The VDA BNotK has introduced non-technical security measures that meet the legal requirements.

Details are described in the certification concept.

5.1 Information Security Policy

The management of the German Federal Chamber of Notaries public body has issued a policy on information security which contains the minimum requirements for all IT systems and IT-supported specialist procedures developed and operated by the German Federal Chamber of Notaries, including the VDA BNotK, its subordinate authorities, companies and other institutions. The guideline applies to all employees of the German Federal Chamber of Notaries, its subordinate authorities, companies and other institutions as well as third parties commissioned by it. The guideline is set down in writing and has been made known to the employees of the VDA BNotK

concerned. It is implemented and maintained in the area of the VDA BNotK and for all trust services offered.

The information security guideline is reviewed and, if necessary, updated at regular intervals, at least every twenty-four months, and in the event of significant changes. Changes require the approval of the management of the German Federal Chamber of Notaries.

Third parties, including certificate holders (*subscriber*), trusted third parties, conformity assessment bodies as well as supervisory authorities, shall be informed of changes to the information security guideline if and to the extent required.

5.2 Asset Management

The VDA BNotK ensures an adequate level of security of its assets, including information assets. The procedures for protecting the information assets are documented in the VDA BNotK's security concept. The IT systems used are noted in a list of components. The respective security level complies with the legal requirements.

Control mechanisms are in place to prevent (i) loss, damage or compromise of the components used as well as the interruption of business operations and (ii) the theft or compromise of sensitive information.

All media will be stored securely. Sensitive data contained on media that is disposed of will be securely erased.

6 Technical security measures

VDA BNotK has implemented technical security measures in line with legal requirements.

Details are described in the certification concept.

7 Certificate profiles, revocation lists and OCSPs

Details are described in the certification concept.

8 Compliance check

The VDA BNotK operates the trust service in accordance with applicable law.

An accredited conformity assessment body checks at regular intervals that the VDA BNotK meets the legal requirements. Regular repeat audits take place. In addition, audits are carried out on an ad hoc basis, e.g. when safety-relevant changes are made to the VDA BNotK's work processes.

The results of the audits are not published. If deficiencies are found during the audit, these are rectified in consultation between the VDA BNotK and the auditor.

Furthermore, internal audits are carried out regularly, at least every twenty-four months, to check compliance with the established rules and procedures for the proper and secure operation of the VDA BNotK (including the implementation of and compliance with the requirements of the Certificate Policy and the respective certification concept as well as a review of the component list). Details of the audit, the audit objects and processes are specified in the VDA BNotK security concept.

In addition, the VDA BNotK conducts a risk analysis on a regular basis, but at least every twenty-four months, in order to identify, analyse and evaluate the risks for the trust services offered. Both technical and operational requirements are taken into account. This also includes a consideration of information assets. The leading roles of the VDA BNotK are responsible for this. A new risk analysis is carried out in particular in the event of a significant change in the threat situation. The VDA BNotK takes appropriate countermeasures in consideration of the risk analysis. It is ensured that the security level corresponds to the risk level. The residual risks identified in the risk analysis are evaluated and accepted by the leading roles of the VDA BNotK. Details are laid down in the security concept of the VDA BNotK. In particular, the necessary security requirements and the operational procedures of the VDA BNotK are defined in this concept. The security concept is adapted if the risk analysis comes to the conclusion that new risks have arisen and further countermeasures are required.

In order to verify compliance with its obligations, the VDA BNotK shall - in accordance with the statutory provisions - submit the relevant books, records, vouchers, documents and other records to the supervisory authority for inspection at the latter's request, even if they are kept in electronic form.

9 Other business and legal regulations

9.1 Fees

9.1.1 Fees for the issue of certificates

Fees for the issue and receipt of a certificate shall be in accordance with the agreement entered into with the Certificate Holder.

9.1.2 Fees for access to certificates

No fees are charged for access to the directory service.

9.1.3 Fees for revocation of certificates or receipt of status information

No fees are charged for revoking certificates or obtaining status information.

9.1.4 Fees for other services

Insofar as other services are offered, the fees shall be based on the agreements with the certificate holder or the respective GTC.

9.1.5 Reimbursement of costs

The agreements with the certificate holder or the respective GTC apply.

9.2 Financial responsibility

In order to operate trust services properly, the VDA BNotK has the necessary funds at its disposal. The necessary funds are obtained by charging fees for the provision and use of the trust services of the VDA BNotK.

In addition, the VDA BNotK has adequate liability insurance Art. 24 Para. 2 lit. c) eIDAS Regulation.

9.3 Confidentiality of business data

No information provided.

9.4 Protection of personal data

The VDA BNotK complies with the statutory provisions on data protection.

9.4.1 Data protection concept

The VDA BNotK processes personal data in accordance with the statutory provisions.

9.4.2 Definition of personal data

Personal data is any information relating to an identified or identifiable natural person

9.4.3 Non-confidential data

All information and data explicitly or implicitly contained in or derivable from the certificates issued by the VDA BNotK and in the directories referred to in section 2 shall be treated as non-confidential data.

9.4.4 Responsibility for the protection of personal data

The VDA BNotK is responsible for the protection of personal data.

The data protection officer of the VDA BNotK ensures compliance with the legal provisions on data protection. He draws up data protection policies, is available as a contact person in data protection matters and obliges the employees of the VDA BNotK to observe the data protection policies.

9.4.5 Notice and consent to the use of personal data

When submitting the application, the certificate holder will be informed of which personal data will be contained on the certificate. Any collection of data from third parties will be in accordance with the provisions of Section 8 Para. 1 VDG, as well as the other provisions of the German Data Protection Act. Information in the sense of Art. 14 GDPR is provided in text form in the course of the application procedure.

9.4.6 Provision of information in the context of legal or administrative proceedings

Information shall be provided in accordance with the statutory provisions.

9.5 Copyright

No information provided.

9.6 Representations, warranties and guarantees

This Certificate Policy does not contain any representations, warranties or guarantees of the VDA BNotK.

In the relationship with certificate holders, third parties in confidence and all other persons, only the relevant provisions in the GTC or the respective individual contractual agreement as well as the statutory provisions shall apply.

9.7 Exclusion of liability

An exclusion of liability is regulated in the GTC or in individual contractual.

9.8 Release from liability

No information provided.

9.9 Term and termination

No information provided.

9.10 Notices to and communication with participants

No information provided.

9.11 Amendment of the Certificate Policy

No information provided.

9.12 Dispute resolution procedure

Complaints can be submitted in writing (Zertifizierungsstelle der Bundesnotarkammer (Certification Body of the German Federal Chamber of Notaries), Burgmauer 53, 50667 Cologne) or by email (zs@bnotk.de or bea@bnotk.de) to the VDA BNotK.

9.13 Applicable law

German law shall apply unless foreign law is mandatory.

The VDA BNotK is operated in accordance with the provisions of the German General Equal Treatment Act [*Allgemeinen Gleichbehandlungsgesetzes*].

9.14 Compliance with applicable law

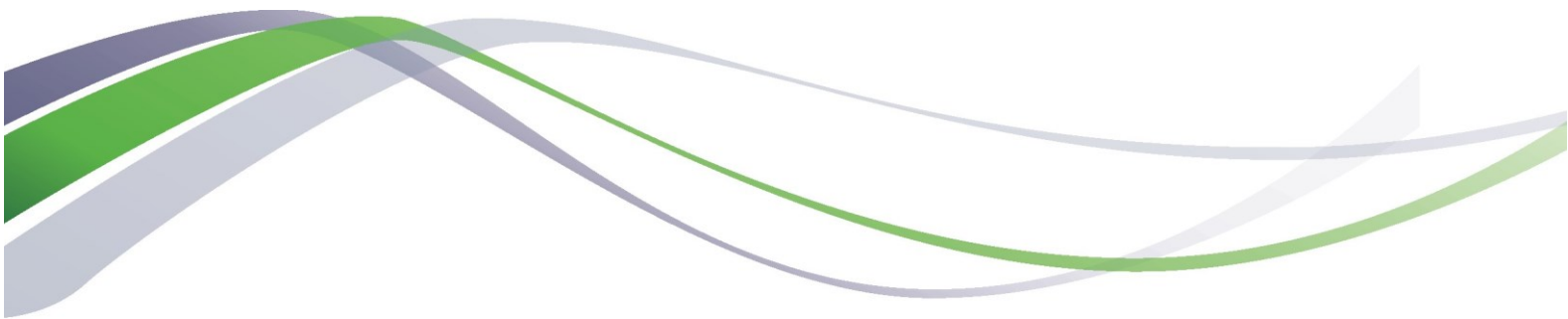
The respective certificate holder is responsible for ensuring that the certificates issued by the VDA BNotK are used in compliance with the applicable law.

9.15 Other provisions

No information provided.

9.16 Other provisions

No information provided



<https://zertifizierungsstelle.bnotk.de/>