

## Client Alert

Turkey | October 2021

### Amendment to the Electronic Signature Legislation

The Information Technologies and Communication Authority (the “**ITCA**”), based on its decision of 13 July 2021, opened the amendment draft on the Regulation regarding the Procedures and Principles on Implementation of the Law on Electronic Signatures (the “**Regulation**”) for public consultation. On 15 October 2021, amendment entered into force. The amendment provides new provisions on electronic identity authentication and the qualified electronic certificate upload process for identity cards, thus making it possible to create an electronic signature by using an identity card.

In accordance with the Regulation, the Electronic Certificate Service Providers (the “**ECSP**”) will be entitled to remotely access the identity cards and upload qualified electronic certificates and different electronic certificates using a similar infrastructure on the identity card, through the Card Access Device. The ECSP is obliged to provide necessary information and documents regarding the Card Access Device to the ITCA. Individuals who wish remote access to their identity cards can make an application through the websites of the ECSPs.

Identity authentication via an identity card will be completed in accordance with paragraph (h) of Article 30(1) of the Electronic Identity Authentication System Regulation. After the applicant’s identity is verified, the qualified electronic certificates provided by the ECSPs can be uploaded to the identity card.

Finally, the ECSP’s obligation to keep certain existing data and documents for twenty years has been extended to be compatible with the remainder of the Regulation and, in this respect, by ensuring security, confidentiality and integrity requirements, the ECSPs became obliged to keep all information related to remote qualified electronic certificate management through identity card transactions, including information on the timing of these transactions and the appointed personnel who are involved in the transactions, in addition to other information and documents.

Please contact us for any questions regarding this matter.