

INTERREGIONAL STANDARDIZATION FORUM FOR PKI & E-TRUST 2nd edition

Regulatory and Institutional Framework for e-Trust in Burkina Faso

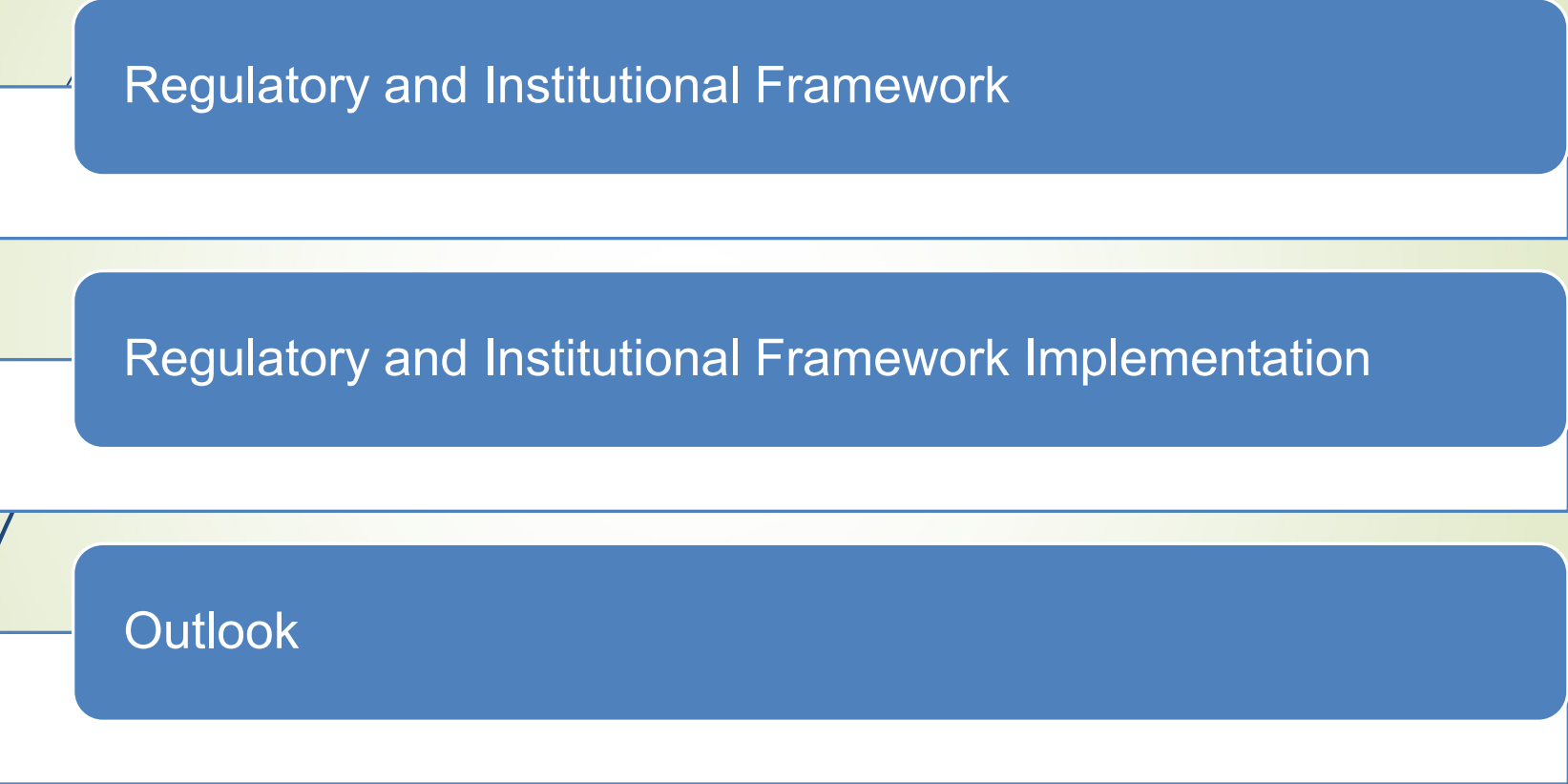


Tunis , 04 & 05 April 2019

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INTERREGIONAL STANDARDIZATION FORUM FOR PKI & E-TRUST 2nd edition



Regulatory and Institutional Framework

Regulatory and Institutional Framework Implementation

Outlook

Regulatory and Institutional Framework

Texts of laws

- ➡ [Act. No. 045-2009/AN of November 10, 2009 regulating services and electronic transactions in Burkina Faso.](#)

http://www.arcep.bf/download/lois/loi_portant_reglementation_des_services_transaction_2.pdf

- ➡ [Act. No. 010-2004/AN of April 20, 2004 on Personal Data Protection](#)

<http://www.arcep.bf/download/lois/Loi-N0-010-2004-AN-portant-protection-des-donnees-a-caractere-personnel.pdf>

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Texts of laws

- ➡ [Act. No. 025-2018/AN of May 31, 2018 on the Penal Code](#)

<https://academiedepolice.bf/index.php/telechargement/category/38-codes?download=163:la-loi-portant-code-penal>

- ➡ [Act. No. 061-2008/AN of November 27, 2008 regulating networks and electronic communications services in Burkina Faso.](#)

http://www.arcep.bf/download/lois/loi_no_061-2008-AN_du_27-11-2008-2.pdf

Regulatory and Institutional Framework

Texts of laws

- Amendment Act of Act No. 061-2008/AN of November 27, 2008 : [Act No. 027-2010/AN of 25 May 2010 regulating networks and communications services in Burkina Faso](#)

http://www.arcep.bf/download/lois/loi_modificative.pdf

- [Act. n ° 011-2010/AN of March 30, 2010 regulating the management of domain names under .bf top level domain](#)

http://www.arcep.bf/download/lois/loi_N.pdf

Regulatory and Institutional Framework

Act. n° 045-2009/AN

► Chapter I: General Provisions

- Section 1: Purpose, Scope and Definitions (Art. 1 & 2).
- Section 2: General Principles (Art. 3 to 7).

► Chapter II: Electronic Signature

- Section 1: Principles (Art. 8 to 10).
- Section 2: Creation and verification of the electronic signature (Art. 11 & 12).
- Section 3: Qualified Electronic Certificate (Art. 13 & 14).

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Act. n° 045-2009/AN

- ▶ **Chapter III: Formalism by electronic means.**
 - ▶ Section 1: General Principles (Art. 15 & 16).
 - ▶ Section 2: Functional Equivalents (Art. 17 to 26).
 - ▶ Section 3: Electronic Archiving (Art. 27 to 31).
 - ▶ Section 4: Additional Rules for E-Proof (Art. 32 to 36).
 - ▶ Section 5: Electronic Administration (Art. 37 to 44).

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► Chapter IV: Electronic Commerce.

- Section 1: General Information (Art. 45 & 46).
- Section 2: Advertising (Art. 47 to 54).
- Section 3: Contracts concluded by electronic means (Art. 55 to 62).
- Section 4: Right of withdrawal (Art. 63 to 67).
- Section 5: Execution of the contract (Art. 68 to 73).

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- **Chapter V: Providing public information by electronic mean** (Articles 74 to 80).
- **Chapter VI: Trusted Service Providers.**
 - Section 1: Common provisions (Art. 81 to 88).
 - Section 2: Specific Provisions Applicable to the Electronic Filing Service Provider (Art. 89 to 97).
 - Section 3: Specific provisions applicable to the provider of electronic time stamping (Art. 98 to 101).

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- ➡ Section 4: Specific provisions applicable to the electronic registered service provider (Art. 102 to 107).
- ➡ Section 5: Specific provisions applicable to the electronic certification service provider issuing qualified certificates (Art. 108 to 124).
- ➡ **Chapter VII: Accreditation.**
 - ➡ Section 1: Accreditation, Control and Mediation Authority (Art. 125 & 126).
 - ➡ Section 2: Improvement procedure (Art. 127 to 130).

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- ➡ Section 3: Control of Accredited Providers (Art. 131 to 133).
- ➡ **Chapter VIII: Responsibility of Intermediary Providers on Communication Networks**
 - ➡ Section 1: Simple transport activity (Art. 134 & 135).
 - ➡ Section 2: Storage activities (Art. 136 to 140).
 - ➡ Section 3: Obligations of intermediary service providers (Art.141-145).

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- **Chapter IX: Control Procedures and Sanctions.**
 - Section 1: Control agents and procedures for infractions recognition (Art. 146 to 149).
 - Section 2: Administrative sanctions (Art. 150 to 152).
 - Section 3: Penal sanctions (Art. 153 to 156).
- **Chapter X: Transitional and Final Provisions** (Art. 157 & 158).

Regulatory and Institutional Framework

Key Ministries

- ➔ [Ministry for Digital Economy Development \(MDENP\)](#)

<http://www.mdenp.gov.bf/>

- ➔ [Ministry of Commerce, Industry and Crafts](#)

<http://www.commerce.gov.bf/>

- ➔ [Ministry of Justice](#)

<http://www.justice.gov.bf/>

- ➔ [Ministry of Security](#)

<https://www.securite.gov.bf/>

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Specialized institutions

- Regulatory Authority for Electronic Communications and Posts (ARCEP)

<http://www.arcep.bf/>

- Commission for Computing and Liberties (CIL)

<http://www.cil.bf/>

- National Agency for Information Systems Security (ANSSI)

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Specialized institutions

- Computer Incident Response Team (CIRT)

<https://www.cirt.bf/>

- Office of fight against Cybercrime (DLCC) at the Ministry of Security

<https://www.securite.gov.bf/index.php/le-ministere/secretariat-general/106-dgti/273-direction-de-la-lutte-contre-la-cybercriminalite>

Regulatory and Institutional Framework Implementation

- [Decree No. 2012-964/PRES/PM/MTPEN/MJ/MEF/MFPTSS/MICA on electronic exchanges between users and administrative authorities and between the administrative authorities themselves](#)

http://www.arcep.bf/download/decrets/loi_045/decret_2012-964_administration-et-usagers.pdf

- [Decree No. 2012-965/PRES/PM/MTPEN/MJ/MDHPC defining the identification data to be retained and the manner in which it is retained for electronic transactions](#)

http://www.arcep.bf/download/decrets/loi_045/Decret-n%C2%B02013-149-Conservation-des-donnees-CE.pdf

Regulatory and Institutional Framework Implementation

- Decree 2013-149/PRES/MP/MDENP/MEF/MJ on definition of the obligations of electronic communications services operators in term of traffic data retention and location

http://www.arcep.bf/download/decrets/loi_61/Decret_2013-149_portant_definition_des_obligations_des_operateurs_de_services_de_CE_en_matiere_de_conservations_de_donnees.pdf

- **Draft Act. on the Code of Criminal Procedure** adopted by the Council of Ministers on 13 March 2019 and transmitted for voting in the National Assembly.
- **National Cybersecurity Strategy** (pending adoption).
- **General Security Repository (RGS)** (pending adoption).
- **Act. on information systems security** (working in progress).

- increased use of the electronic signature.
- increased use of certification and timestamping platforms in digital exchanges.
- **implementation of a national PKI** (study in progress).

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Thanks!



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