

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

CHAPTER III
TRUST SERVICES

SECTION 2

Supervision

Article 17

Supervisory body

^{F1}1

^{F2}2

3 The role of the supervisory body [^{F3}(as assigned to the Information Commissioner by regulation 3 of the Electronic Identification and Trust Services for Electronic Transactions Regulations 2016 (S.I. 2016/696))] shall be the following:

- a to supervise qualified trust service providers established in the [^{F4}United Kingdom] to ensure, through *ex ante* and *ex post* supervisory activities, that those qualified trust service providers and the qualified trust services that they provide meet the requirements laid down in this Regulation;
- b to take action if necessary, in relation to non-qualified trust service providers established in the [^{F5}United Kingdom], through *ex post* supervisory activities, when informed that those non-qualified trust service providers or the trust services they provide allegedly do not meet the requirements laid down in this Regulation.

4 For the purposes of paragraph 3 and subject to the limitations provided therein, the tasks of the supervisory body shall include in particular:

^{F6}a

- b to analyse the conformity assessment reports referred to in Articles 20(1) and 21(1);
- c to inform ^{F7}... the public about breaches of security or loss of integrity in accordance with Article 19(2);

^{F8}d

- e to carry out audits or request a conformity assessment body to perform a conformity assessment of the qualified trust service providers in accordance with Article 20(2);
- f to cooperate with the data protection authorities, in particular, by informing them without undue delay, about the results of audits of qualified trust service providers, where personal data protection rules appear to have been breached;
- g to grant qualified status to trust service providers and to the services they provide and to withdraw this status in accordance with Articles 20 and 21;

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- h to inform the body responsible for the ^{F9}... trusted list referred to in Article 22(3) about its decisions to grant or to withdraw qualified status, unless that body is also the supervisory body;
- i to verify the existence and correct application of provisions on termination plans in cases where the qualified trust service provider ceases its activities, including how information is kept accessible in accordance with point (h) of Article 24(2);
- j to require that trust service providers remedy any failure to fulfil the requirements laid down in this Regulation.

[^{F105} The Secretary of State may give directions to the supervisory body requiring it to establish, maintain and update a trust infrastructure in accordance with the directions.]

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Textual Amendments

- F1** Art. 17(1) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 12(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Art. 17(2) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 12(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 17(3) inserted (31.12.2020) by [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 12(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Art. 17(3)(a) substituted (31.12.2020) by [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 12(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Art. 17(3)(b) substituted (31.12.2020) by [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 12(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Art. 17(4)(a) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 12(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in Art. 17(4)(c) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 12(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Art. 17(4)(d) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 12(4)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Word in Art. 17(4)(h) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 12(4)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Art. 17(5) substituted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 12(5)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Art. 17(6)-(8) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 12(6)**; 2020 c. 1, Sch. 5 para. 1(1)

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[^{F12}Article 18

Co-operation with EU authorities

1 The supervisory body may give information and assistance to, and otherwise co-operate with, a public authority in the EU if the supervisory body considers that to do so would be in the interests of effective regulation or supervision of trust services (whether inside or outside the United Kingdom).

2 Nothing in paragraph 1 authorises the processing of personal data other than in accordance with the data protection legislation.

In this paragraph, “processing”, “personal data” and “the data protection legislation” have the meanings given by section 3 of the Data Protection Act 2018.]

Textual Amendments

F12 Art. 18 substituted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), [Sch. para. 13](#); 2020 c. 1, Sch. 5 para. 1(1)

Article 19

Security requirements applicable to trust service providers

1 Qualified and non-qualified trust service providers [^{F13}established in the United Kingdom] shall take appropriate technical and organisational measures to manage the risks posed to the security of the trust services they provide. Having regard to the latest technological developments, those measures shall ensure that the level of security is commensurate to the degree of risk. In particular, measures shall be taken to prevent and minimise the impact of security incidents and inform stakeholders of the adverse effects of any such incidents.

2 Qualified and non-qualified trust service providers [^{F14}established in the United Kingdom] shall, without undue delay but in any event within 24 hours after having become aware of it, notify the supervisory body ^{F15}... of any breach of security or loss of integrity that has a significant impact on the trust service provided or on the personal data maintained therein.

Where the breach of security or loss of integrity is likely to adversely affect a natural or legal person to whom the trusted service has been provided, the trust service provider shall also notify the natural or legal person of the breach of security or loss of integrity without undue delay.

^{F16} ...

The notified supervisory body shall inform the public or require the trust service provider to do so, where it determines that disclosure of the breach of security or loss of integrity is in the public interest.

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Textual Amendments

- F13** Words in Art. 19(1) inserted (31.12.2020) by The Electronic Identification and Trust Services for Electronic Transactions (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/89), reg. 1(2), **Sch. para. 14(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in Art. 19(2) inserted (31.12.2020) by The Electronic Identification and Trust Services for Electronic Transactions (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/89), reg. 1(2), **Sch. para. 14(3)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in Art. 19(2) omitted (31.12.2020) by virtue of The Electronic Identification and Trust Services for Electronic Transactions (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/89), reg. 1(2), **Sch. para. 14(3)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in Art. 19(2) omitted (31.12.2020) by virtue of The Electronic Identification and Trust Services for Electronic Transactions (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/89), reg. 1(2), **Sch. para. 14(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F17** Art. 19(3) omitted (31.12.2020) by virtue of The Electronic Identification and Trust Services for Electronic Transactions (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/89), reg. 1(2), **Sch. para. 14(4)**; 2020 c. 1, Sch. 5 para. 1(1)
- F18** Art. 19(4) omitted (31.12.2020) by virtue of The Electronic Identification and Trust Services for Electronic Transactions (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/89), reg. 1(2), **Sch. para. 14(4)**; 2020 c. 1, Sch. 5 para. 1(1)

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