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THE ELECTRONIC TRANSACTIONS ACT,
(CAP. 442)

REGULATIONS

THE ELECTRONIC TRANSACTIONS (CERTIFICATION SERVICES) REGULATIONS, 2025

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THE ELECTRONIC TRANSACTIONS ACT,
(CAP. 442)

REGULATIONS

THE ELECTRONIC TRANSACTIONS (CERTIFICATION SERVICES) REGULATIONS, 2025

PART I
PRELIMINARY PROVISIONS

Citation	1. These Regulations may be cited as the Electronic Transactions (Certification Services) Regulations, 2025.
Application	2. These Regulations shall apply to Mainland Tanzania as well as Tanzania Zanzibar.
Interpretation	3. In these Regulations, unless the context requires otherwise-
Cap. 442	"Act" means the Electronic Transactions Act; "bridge certification authority" means a bridge certification authority which allows interoperability of public key infrastructure from different domains, certification authorities, directorate, certificate policies and certificate practice statements to peer and establish trust relationship; "certificate" has the meaning as ascribed to it under the Act.; "certificate policy" means a document which states the sets of rules indicating the applicability of certificate and class of application with common security requirements; "certification practice statement" means a document from a certification authority which describes their practice for issuance and management of a certificate;

- "certification authority means an entity licensed to issue an electronic certificate;
- "certification path" means the chain of trust built by the certification authority or service provider responsible for certification;
- "cross certificate" means a certificate that is used to establish a trust relationship between two Certification Authorities;
- "certification services" means a range of services provided by a certification authority or other trusted entity within a public key infrastructure to support the issuance, management and validation of digital certificates;
- "digital signature" means a mathematical scheme for verifying the authenticity of digital messages or documents;
- "digital certificate" has the meaning as ascribed to it under the Act;
- "electronic signature" shall have the meaning ascribed to it under the Act;
- "key compromise" means the compromise of private key where its content is disclosed to an unauthorised person or that person had access to it;
- "key pair" means a private key and its associated public key;
- "licence" means a licence granted under these Regulations for the provision of certification services;
- "Minister" means the Minister responsible for Information and Communication Technology;
- "public key" means a key known to the public and used for encryption of data and validation of digital signature;
- "public key infrastructure" means a set of roles, policies, hardware, software and procedures needed to create, manage, distribute, use,

store, revoke digital certificate and manage public-key encryption;

"private key" means a secret key that is used by an individual to decrypt information and to create a digital signature;

"regulator" means a Government institution designated to be a regulator of certification services under the Act;

"repository" means a system that contains issued certificates and list of certificates that have been revoked or suspended;

"root certification authority" has the meaning as ascribed to it under the Act;

"subscriber" has the meaning as ascribed to it under the Act;

"trusted person" means a person who has direct responsibilities for the day-to-day operations, security and performance of the business activities that are regulated under the Act.

"generating key pairs" means creating a private key and its corresponding public key which is to be listed in the digital certificate.

PART II CERTIFICATION SERVICES LICENCE

Prohibition to provide
certification service

4.-(1) A person shall not provide certification services without a licence.

(2) A person who contravenes the provision of subregulation (1) commits an offence and shall, on conviction be liable to fine not less than ten million shillings or to imprisonment for a term of not less than five years or both.

Application for
licence

5.-(1) A person who intends to offer certification services as-

(a) a certification authority appointed by the Minister; or
(b) registration authority,
shall apply for a licence to the regulator in the form as prescribed in the First Schedule to these Regulations.

(2) The Application in subregulation (1) shall consist of the following information:

- (a) the name and contact, including the physical address, telephone and e-mail of the applicant;
- (b) a description of the-
 - (i) type of service to be provided;
 - (ii) purpose for which the service will be applied; and
 - (iii) technology to be applied in the provision of services; and
- (c) any other relevant particulars as may be prescribed by the regulator.

(3) The application made under subsection (1) shall be accompanied by proof of payment of a nonrefundable fee prescribed in the Second Schedule to these Regulations.

Criteria for grant of licence

6.-(1) An applicant for a licence shall-

- (a) be a company registered or incorporated under the laws of the United Republic;
- (b) be insured against liability for loss of the amount to be determined by the regulator for each claim arising out of any act or omission on the part of an applicant, its officers, employees or agent;
- (c) have a paid-up capital and proof of available financing as determined by the regulator;
- (d) furnish a banker's guarantee to the regulator in the prescribed approved form together with a fee to be determined by the regulator;

- (e) have a trusted person who:
 - (i) have a good knowledge of the Act and these Regulations;
 - (ii) be trained in the certification services;
 - (iii) possesses the relevant technical qualifications, expertise and experience to effectively carry out the assigned duties;
 - (iv) is not declared bankrupt in Tanzania or elsewhere or has made a composition or an arrangement with his creditors; and
 - (v) has not been convicted of any offence involving fraud or dishonesty in Tanzania or elsewhere, or any offence under these Regulations.
- (f) undergo and pass-
 - (i) an initial audit on facilities, equipment and technology to be used;
 - (ii) other audits as the regulator may require by notice in writing.
- (3) The performance banker's guarantee in sub regulation (1) may be invoked for payment of-
 - (a) an offer of composition made by the regulator;
 - (b) costs for liabilities and rectification attributed due to the negligence of the certification authority, its officer, employee or agent; or
 - (c) costs incurred in the discontinuation or transfer of operations of the certification service provider, where the certification authority's licence or operations in discontinued.

Determination of application

7.-(1) The regulator shall, upon receipt of an application and being satisfied that the application meets the licensing requirements shall issue a licence.

(2) Where the application fails to meet the licensing requirements, the regulator shall reject the application and inform the applicant in writing, within sixty days explaining the grounds for rejection.

Validity of licence

8.-(1) A licence issued to a-

(a) certification authority shall be valid for a period of fifteen years and may be renewed; and

(b) a registration authority shall be valid for a period of five years and may be renewed.

(2) The licenses in sub regulation (1) shall-

(a) contain terms and conditions as the regulator may determine;

(b) not be transferable; and

(c) expire where the business is not commenced within one year from the date the licence was issued.

(3) Notwithstanding subregulation (3)(c), the regulator may extend the commencement period (3) where the licensee adduces sufficient reasons for the extension.

Annual licence fee

9. The licensee shall pay an annual licence fee to the regulator as prescribed in the Second Schedule to these Regulations.

Renewal of licence

10.- (1) A licensee may apply for renewal of a licence not later than six months prior to the expiry of the licence.

(2) The conditions for application for a licence shall apply *mutatis mutandis* to the application for the renewal of a licence.

(3) A licensee who has no intention to renew a license shall, not later than six months prior to expiry of the licence -

- (a) inform the regulator in writing;
- (b) inform its subscribers in writing; and
- (c) send notification through a widely circulated newspaper.

(4) The regulator shall, upon receipt of notification from the licensee pursuant to sub regulation (3), issue a general notice to the public that the service provider has no intention to renew licence.

Suspension of
licence

11.-(1) The regulator shall, where a licensee fails to fulfil his obligations as certification service provider, notify the licensee in writing, specifying the nature of the default and require the licensee to rectify the default within the time specified in the notice.

(2) The licensee shall, upon receipt of the notice under subregulation (1), make representation in writing to the regulator and rectify the default within the period prescribed by the regulator.

(3) The regulator may, suspend or revoke the licence where a licensee fails to rectify the default within the prescribed period.

Revocation of
licence

12.-(1) The regulator may revoke a licence where-

- (a) the licensee:
 - (i) has contravened any condition imposed under the licence;
 - (ii) has provided the regulator with false, misleading or inaccurate information either in connection with the application for the licence or at any time after the grant of the licence;

- (iii) is carrying on its business in a manner which is prejudicial to the interest of the public or to the national economy;
- (iv) has insufficient assets to meet its liabilities; or
- (v) fails to rectify a default in terms of regulation 11 within the specified period; and

(b) a winding up order is made against the licensee or a resolution for its voluntary winding-up is passed; and

(2) The regulator shall, before revoking a licence give the licensee a notice in writing of the intention to revoke the licence and require the licensee to show sufficient reasons within thirty days as to why the licence should not be revoked.

(3) Subject to sub regulation (2), the regulator shall revoke the licence where the licensee fails to show sufficient reasons;

Provided that the regulator shall notify the licensee in writing of its decision within 48 hours of making the decision.

(4) A licensee whose licence is revoked shall immediately surrender the licence to the regulator upon receipt of the decision of the revocation in subregulation (3).

(5) A licensee who fails to surrender a licence under sub regulation (4) commits an offence and shall, upon conviction, be liable to a fine of not less than five million shillings but not exceeding ten million shillings or to imprisonment for a period not less than six months but not exceeding one year or to both.

Display of
Licence

13. A Licensee shall display a copy of a valid licence at a conspicuous place where business is carried out.

PART III
CERTIFICATION SERVICES

(a) The Registration Authority

Registration
authority

14.-(1) A certification authority shall, when providing certification services work with a licensed registration authority for the proper carrying out of its functions under the Act.

(2) Without prejudice to the provisions of subregulation (1), a certification authority may be licensed as a registration authority.

Functions of
registration
authority

15. The registration authority shall perform the following functions:

- (a) validate the identity of the subscriber who requested a certificate;
- (b) register subscribers for certification services;
- (c) issue notification of changes in the information supporting the certification process of subscribers;
- (d) initiate the process of revocation of a certificate issued by the certification authority;
- (e) archive registration files; and
- (f) perform other functions as may be directed by the regulator.

(b) The Certification Authority

Functions of
certification
authority

16.-(1) A certification authority shall-

- (a) issue a certificate to a subscriber upon the registration authority validating the information of the subscriber;
- (b) manage the lifecycle of certificates;

- (c) validate the identity of a subscriber who requests for a certificate, before its issuance;
 - (d) ensure confidentiality, integrity, availability, authentication and non-repudiation of certificate services;
 - (e) keep and maintain accurate and complete information of the certification service status;
 - (f) operate and manage the certification system, facilities and equipment in a safe manner as to assure validity and stability of issued certificate; and
 - (g) control risks associated with certification services.
- (2) The certification authority shall, in the performance of its functions-
- (a) make use of hardware, software and procedures that are secure from intrusion and misuse;
 - (b) ensure reliability of its services;
 - (c) adhere to security procedures to ensure that the secrecy and privacy of the electronic signatures are assured; and
 - (d) comply with standards issued by the regulator.

Application for
certificate

17.-(1) A person who intends to obtain certificate from Certification Authority shall apply to the registration authority in the manner specified by the regulator in the certificate policy and certification practice statement.

(2) The application under sub regulation (1) shall be accompanied by-

- (a) a copy of the National Identification Card or passport;

- (b) a registered power of attorney for legal persons, in case of an entity;
- (c) certificate of incorporation or business registration certificate in case of an entity;
- (d) personal particulars including phone number, physical address and e -mail address; and
- (e) declaration verifying submitted information.

(3) The registration authority shall, upon receipt of an application under sub regulation (1), validate the information and forward the application to the certification authority.

Issuance of
certificate

18.-(1) The certification authority shall issue a certificate after receipt of an application from registration authority and being satisfied that the application meets the requirements of the certificate policy and certification practice statement.

(2) A certificate -

- (a) shall state the expiration date;
- (b) shall not be transferable;
- (c) shall contain information sufficient to locate or identify one or more repositories in which notification of the revocation or suspension of the certificate is listed; and
- (d) may be renewed.

(3) The certification authority shall-

- (a) provide a reasonable opportunity for the subscriber to verify the contents of the certificate before it is issued; and
- (b) keep record of the date and time of the process in relation to the issuance of a certificate in the prescribed manner.

Renewal of
certificate

19.-(1) A subscriber may apply for renewal of a certificate at least three months before expiration period of the certificate.

(2) The provisions for an application for a certificate shall apply *mutatis mutandis* to application for renewal of a certificate.

Suspension of
certificate

20.-(1) The certification Authority may suspend the certificate-

- (a) upon the request of the subscriber;
- (b) for public interest; and
- (c) where there are reasonable grounds to believe that the certificate is not fictitious.

(2) The certification authority upon suspension of a certificate shall-

- (a) issue a notice of the suspension to subscriber specifying grounds for the suspension;
- (b) publish the notice in the repository; and
- (c) keep record the date and time of the process in relation to the suspension of a certificate in the prescribed manner.

(3) A certification authority shall terminate a request for suspension of a certificate where the certification authority discovers and confirms that the request was made without authorisation of the subscriber.

(4) A person relying on a certificate shall be responsible to ensure that certificate has not been suspended.

(5) The certification authority shall maintain facilities to receive and act upon requests for suspension of a certificate.

Revocation of
certificate

21.-(1) The certification authority shall revoke a certificate where:

- (a) a request for revocation from registration authority or subscriber is received;
- (b) the subscriber dies;

- (c) the firm is dissolved or company wound up;
- (d) the certificate was obtained due to false representation, fraud or the information has been concealed;
- (e) the private key of a subscriber or security system of the certification authority was compromised in a manner materially affecting the reliability of a certificate; and
- (f) a request for suspension is received and there is sufficient evidence to substantiate the request.

(2) A certification authority shall, upon revocation of a certificate-

- (a) issue a notice of the revocation to subscriber specifying grounds for the revocation;
- (b) publish the notice in the repository; and
- (c) keep record of the date and time of the process in relation to the revocation of a certificate.

(3) The certification authority shall use the subscriber identity verification method specified in the certificate policy and certification practice statement for the purpose of confirming the identity of the subscriber submitting a request for revocation.

Delivery of
services

22. A certification authority shall-

- (a) maintain and upgrade computerized facilities for efficient delivery of services to the public through electronic means; and
- (b) determine, collect, retain and charge appropriate service charges from the person receiving service subject to the approval of the regulator.

Key operations

23.-(1) A certification authority shall-

- (a) transfer the keys from the key generation system to the storage device by using a secure mechanism that ensures end-to-end confidentiality and integrity;
 - (b) use standard equipment and programs to securely store the subscriber's private key in an encrypted form;
 - (c) store private key backups in a separate secure storage facility at a different location where the original key is stored; and
 - (d) securely archive and store in a secure location component of the private key and its backup copies upon termination of the use of a private key.
- (2) A certification authority may
- (a) store keys in a tamper-proof cryptographic module; or
 - (b) split keys into sub keys and store them in tamper-proof devices.

Change of Keys

24.-(1) A certification authority and subscriber keys shall be changed or regenerated according to the certification practice statement of the respective certification authority.

(2) The certification authority shall issue a notice of change of its key pair-

- (a) to certificates users before using the keys where the changes are done manually; and
- (b) to the subscriber for changes that are performed automatically through the system.

Handling of Incidents

25. A certification authority shall-

- (a) implement an incident management plan which covers handling of security incidents within the certification authority's systems and networks;

- (b) establish a procedure that is approved by the regulator to handle cases where a compromise of the certification authority's key has occurred; and
- (c) notify the regulator and revoke the affected subscriber's certificates in case of a certification authority's private key compromise.

Certification
Practice
Statement

26. A certification authority shall-

- (a) prepare a certification practice statement in manner as may be prescribed by the regulator;
- (b) obtain approval of the regulator before making changes to the certification practice statement;
- (c) highlight in the certificate practice statement limitations of subscriber's liabilities; and
- (d) specify in the certification practice statement methods for verification of subscriber identity for issuance, suspension, revocation and renewal of a certificate.

(c) The Subscriber

Digital
Signature

27.-(1) Subscriber shall authenticate an electronic transaction by affixing a digital signature.

(2) The authentication of the electronic transaction shall be effective by the use of public key infrastructure technologies for the purposes of enclosing and transforming the initial electronic transaction into a secure electronic transaction.

(3) A person may verify authenticity of an electronic transaction by use of the public key of a subscriber.

Generating key pair

28.-(1) Generation of key pair shall be done, in the case of-

- (a) a subscriber within hardware or software, as prescribed in the certification practice statement of the certification authority;
- (b) a certification authority as part of a key ceremony in a physically trusted environment by trusted personnel within a secure device as may be prescribed by the regulator.

(2) The private key and the public key for a subscriber, authorized by certification authority, shall constitute a unique functioning key pair.

(3) A certification authority may generate subscriber a key pair on behalf of a subscriber.

Acceptance of certificate

29.-(1) A subscriber shall be deemed to have accepted a certificate when the certificate is-

- (a) used;
- (b) published; or
- (c) authorised to be published, by the subscriber.

Control of private key

30.-(1) A subscriber shall maintain control of the private key corresponding to the public key listed in the certificate and prevent disclosure of the private key to a person not authorised to affix the digital signature of the subscriber.

(2) The subscriber shall communicate in writing to the certification authority within three days from the date the compromise was noticed, where the private key corresponding to the public key listed in the certificate has been compromised.

(3) A subscriber who contravenes sub regulation (2) commits an offense.

Complaint handling

31.-(1) A subscriber who is aggrieved by the decision of the certification authority may file a complaint to the regulator within twenty-one days.

(2) The regulator shall, upon receipt of a complaint, serve a copy of the complaint to the certification authority and request a reply within seven days.

(3) The regulator shall, upon lapse of seven days from the date of service of the complaint to the certification authority summon the parties, conduct hearing and give its decision within fourteen days.

PART IV GENERAL PROVISIONS

Submission of
progressive and
financial report

32.-(1) A licensee shall submit to the regulator quarterly progress reports and annual audited financial reports.

(2) The progress reports shall include-

- (a) the number of subscribers;
- (b) the number of certificates issued, suspended, revoked, expired or renewed;
- (c) a system performance report including, system up and down time and other extraordinary incidents;
- (d) changes in the organizational structure of the certification authority;
- (e) changes of particulars of trusted persons; and
- (f) any other information as may be required by the regulator.

(3) The annual audited financial report shall be prepared by a person registered as an auditor under the Accountants and Auditors (Registration) Act.

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(4) A copy of annual audited financial report shall be submitted to the regulator within thirty days of the completion of an audit.

Appeals

33. A person who is aggrieved by the decision of-

- (a) the certification authority or registration authority may appeal to the regulator; within twenty-one days from the date of receipt of the decision and
- (b) the regulator may appeal to the Fair Competition Tribunal within twenty-one days from the date of receipt of the decision.

Confidentiality

34. A licensee shall not disclose confidential information in relation to a subscriber without prior approval of the subscriber.

Offences and penalties

35. A person who contravenes any provision of these Regulations for which a specific penalty is not provided, shall on conviction, be liable to a fine of not less than five million shillings but not exceeding ten million shillings or to imprisonment for a term of not less than twelve months but not exceeding twenty-four months or to both.

Revocation
GN. No.
228 of 2016

36. The Electronic Transactions (Cryptographic and Certification Services Provider) Regulations are hereby revoked.

FIRST SCHEDULE

(Made under regulation 5(1)(a) and (b))

APPLICATION FORM

APPLICATION FOR ELECTRONIC TRANSACTIONS CERTIFICATION
SERVICES LICENCE

1. Application Fee Receipt No: dated/...../.....
2. Name of Applicant:
Physical Address:.....
Postal Address:
Telephone No:
E-mail:
Website:
3. Tick (✓) applicable certification services licence applied:
 - 3.1 Certification Authority (CA).....()
 - 3.2 Registration Authority (RA).....()

4. DECLARATION

I hereby declare that the information provided in this application is true and correct to the best of my/ our knowledge.

Name.....
Designation.....
Signature.....
Date.....

Official stamp/seal

5. Attachments

The dully filled application form must be submitted with the following documents.

A. Certification Authority

I. For Government Institutions

(a)	Receipt of the application fee
(b)	Transmittal letter from the Government institutions
(c)	Business Plan containing the following: - (i) Location of hosting of certification systems both primary and backup (ii) System security features to be deployed (iii) Services to be offered (iv) Services pricing/costing (v) Complaint handling procedure (vi) Financing plan, (vii) List of qualified staff and with their profile (viii) Personnel and human resource development plan
(d)	Certified TIN certificate

II. For Private Institutions

(a)	Receipt of the application fee
(b)	Company Profile
(c)	Certified Copy of Certificate of Incorporation
(d)	Certified Copy of Tax Identification Number (TIN)
(e)	Certified Copy of Tax Clearance
(f)	Certified Copy of Memorandum and Articles of Association
(g)	Business Plan containing the following: - (i) Location of hosting of certification systems both primary and backup (ii) System security features to be deployed (iii) Services to be offered (iv) Services pricing/costing (v) Complaint handling procedure (vi) Financing plan (vii) List of qualified staff and with their profile (viii) Personnel and human resource development plan (ix) Five years Projected financial statement, cash flow and balance sheet (x) Capital Investment Ratio (Equity: Debt)

B. Registration Authority

I. For Government Institutions

(a)	Receipt of the application fee
(b)	Transmittal letter from the Government institutions
(c)	Business Plan containing the following: - (i) Location of hosting of certification systems both primary and backup (ii) System security features to be deployed (iii) Services to be offered (iv) Services pricing/costing (v) Complaint handling procedure (vi) Financing plan, (vii) List of qualified staff and with their profile (viii) Personnel and human resource development plan
(d)	Certified TIN certificate

II. For Private Institutions

(a)	Receipt of the application fee
(b)	Company Profile
(c)	Certified Copy of Certificate of Incorporation
(d)	Certified Copy of Tax Identification Number (TIN)
(e)	Certified Copy of Tax Clearance
(f)	Certified Copy of Memorandum of Articles of Association
(g)	Business Plan containing the following: - (i) Location of hosting of certification systems both primary and backup (ii) System security features to be deployed (iii) Services to be offered (iv) Services pricing/costing (v) Complaint handling procedure (vi) Financing plan (vii) List of qualified staff and with their profile (viii) Personnel and human resource development plan (ix) Five years Projected financial statement, cash flow and balance sheet (x) Capital Investment Ratio (Equity: Debt)

SECOND SCHEDULE

(Made under regulations 5(3) and 9)

S/N o	Type of Licence	Application Fee (TZS)	Initial Fee (TZS)	Renewal Fee (TZS)	Annual Fee (TZS)	Duration of Licence (Years)
1	Certification Authority	400,000	4,000,000	4,000,000	1% of GAT	15
2	Registration Authority	100,000	1,000,000	1,000,000	1% of GAT	5

Dodoma,
27th September, 2024.

JERRY WILLIAM SILAA
*Minister for Information,
Communication and
Information Technology*