

Access to Services of a Recognized Certification Authority by Persons with Disabilities

Introduction

This paper briefs Members on the proposed amendments to the Code of Practice for Recognized Certification Authorities (the Code of Practice) and the Guidance Note on Recognition of Certification Authorities and Certificates (the Guidance Note) in respect of access to services of a recognized certification authority (CA) by persons with disabilities.

Background

2. At the 4th meeting of the Advisory Committee on Code of Practice for Recognized Certification Authorities (ACCOP) held on 5 December 2000, we presented ACCOP Paper No. 8/2000 with regards to access to services of a recognized CA by persons with disabilities. Members agreed with the amendment to be made to the Code of Practice by adding a new paragraph under Section 3 (General Responsibilities of a Recognized Certification Authority) as follows:

"3.9 A recognized CA shall take care of the needs of persons with disabilities in the provision of its services in accordance with all applicable ordinances and regulations regarding the prevention of any discriminatory practice against any person with disabilities."

3. The new paragraph 3.9 will take immediate effect when it is stipulated in the Code of Practice.

4. Members also discussed whether a recognized CA should be required to adhere or make reference to the "Web Content Accessibility Guidelines" of the World Wide Web Consortium (W3C) in respect of the presentation of information on the web site of the CA. Members generally did not favour making the W3C guidelines a requirement to be complied with by a recognized CA.

5. Members decided that further discussion on the applicability of the W3C guidelines would be necessary, and that the proposed new paragraph 3.9 should be stipulated in the Code of Practice only after there is agreement on the applicability of the W3C guidelines.

Further considerations

6. We have further liaised with the Equal Opportunities Commission (EOC) with regards to the W3C guidelines. EOC has no strong view on whether services provided by a recognized CA are designed in accordance with the W3C guidelines, provided that the services are accessible to persons with disabilities.

7. At the 4th ACCOP meeting, a Member suggested that legal advice should be sought with regards to the applicability of the W3C guidelines in the recognition of CAs under the Electronic Transactions Ordinance (ETO). We have consulted the Department of Justice (DoJ) in this regard. DoJ's advice is that since currently there is no requirement in the Code of Practice to meet the W3C guidelines, such guidelines are not applicable in the recognition of CAs under the ETO. The W3C guidelines will still not be applicable even when the new paragraph 3.9 is added in the Code of Practice. Only when the W3C guidelines are specifically stipulated in the Code of Practice, then they will become applicable.

8. DoJ has also advised that compliance with the W3C guidelines does not imply compliance with the Disability Discrimination Ordinance (DDO). One reason is because the W3C guidelines only govern Web contents and the DDO has a wider scope.

Advice Sought

9. Taking into account the general view expressed by Members at the 4th ACCOP meeting, EOC's position and DoJ's advice regarding the W3C guidelines, we do not recommend the adoption of the W3C guidelines as a requirement in the Code of Practice. Instead, we propose to encourage a recognized CA to make reference to the W3C guidelines.

10. We intend to insert a new paragraph 8A under the section "Systems, Procedures, Security Arrangements and Standards" in the Guidance Note as follows:

"8A. To facilitate accessibility of its web site by persons with disabilities, a CA is encouraged to refer to the "Web Content Accessibility Guidelines" (www.w3.org/TR/WAI-WEBCONTENT) issued by the World Wide Web Consortium."

[Note : At the 5th meeting of the Advisory Committee on Code of Practice for Recognized Certification Authorities (ACCOP) held on 6 March 2001, Members of the ACCOP discussed and agreed that the phrase "a CA is encouraged to refer to the Web Content Accessibility Guidelines" should be replaced by "a CA may refer to the Web Content Accessibility Guidelines".]

11. In summary, by not specifying the W3C guidelines in the Code of Practice, an assessor will not need to refer to the W3C guidelines in the conduct of an assessment of a CA under the Electronic Transactions Ordinance (Cap. 553). Instead, a CA is encouraged to refer to the W3C guidelines under the Guidance Note as a good practice.

[Note : At the 5th meeting of the ACCOP held on 6 March 2001, Members of the ACCOP discussed and agreed that while adherence to the Web Content Accessibility Guidelines should not be mandatory, an assessor could refer to the Web Content Accessibility Guidelines in the conduct of an assessment of a CA.]

12. Members' views are invited.

**Information Technology Services Department
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