



Real Casa de la Moneda
Fábrica Nacional
de Moneda y Timbre

PKI FNMT – RCM DISCLOSURE STATEMENT

“AC Representación” Certificates

Ref. PDS_EN_representative_v2.4

18/10/2024
FNMT – RCM

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Trust Services Provider contact info

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The FNMT-RCM places at the disposal of the Subscribers, third parties that trust, software suppliers and third parties a communication channel through the electronic venue of the FNMT-RCM (<https://www.sede.fnmt.gob.es/>) with clear instructions, to allow them to report any matter related to this type of Certificates, regarding a supposed commitment of Private Key, undue use of the Certificates or other types of fraud, compromise, misuse or inappropriate behaviour.

Certificate type, validation procedures and usage

The Certification Authority “AC Representación” issues three types of electronic certificates for legal representatives, with their specific scopes of application:

- **Certificate of Representative for sole and joint administrators:** for the relation of *Legal Entities* with public administrations or in the contracting of goods or services in connection with their ordinary traffic or activity.
- **Certificate of Representative of Legal Entities:** for the relation of *Legal Entities* with Public Administrations, Entities, and Public Institutions that are associated with or dependent on them, as well as for other uses admitted between the parties.
- **Certificate of Representative of Institutions with no Legal Entity:** for the relation of Institutions with no legal entity in the area of taxes and other areas supported by law, as well as for other uses admitted between the parties.
- **Entity Seal:** the Electronic Certificate issued to a legal person for the automation of signature and authentication processes between IT components

These electronic certificates are qualified according to the 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.

Reliance limits

The Certification Authority “AC Representación” only issues certificates for electronic signature to natural persons, as representatives of legal persons or representatives of Institutions with no Legal Entity or Entity Seals issued to a legal person for the automation of signature and authentication processes between IT components.

The FNMT-RCM shall file those important events that are necessary to verify the activity of the Certification Authority for a period of no less than 15 years, according to the current legal regulations.

Obligations of subscribers

The represented entities and their representatives are required to:

- Understand the conditions of use of the certificate in accordance with the applicable [Certification Practice Statements](#), and specially, the limits of use of the certificates.
- Act diligently with respect to the custody and conservation of the signature creation data or any other sensitive information such as keys, certificate application codes, access words, personal identification numbers, etc., as well as the certificate supports, which in all cases include the non-disclosure of any of the aforementioned information.
- Request the revocation of the certificate in case of suspect of loss of confidentiality, disclosure or unauthorized use of the signature creation data.
- Promptly notify the FNMT-RCM of any changes to the information provided in the certificate application, requesting the revocation of the certificate in the pertinent cases.

Certificate status checking obligations for the relying parties

If a relying party is to reasonably rely upon a certificate it shall:

- Ensure that reliance on certificates issued under Certificate Policy is restricted to appropriate uses (see de document Certification Practices and Policy of Certificates of Entity Seals and Certificates of Representatives of Legal Entities and of Institutions with no Legal Entity from the “AC Representación”
- Verify the validity by ensuring that the certificate has not expired.
- Ensure that the certificate has not been suspended or revoked by accessing current revocation status information available at the location specified in the certificate to be relied upon.
- Determine that such certificate provides adequate assurances for its intended use.

Limitation of liability

The FNMT-RCM shall only be liable for deficiencies in the procedures that correspond to its activity as a Trust Services Provider, and pursuant to the terms of these Certification Practices and Policies. In no other case will it be liable for the actions or losses incurred by applicants, representatives, represented entities, user entities, or in such case, third parties involved, that are not due to errors that can be attributed to the FNMT-RCM in the aforementioned issuing procedures and/or management of the certificates.

The FNMT-RCM shall not be liable in the case of acts of God, force majeure, terrorist attacks, illegal strikes, as well as in the cases that involve actions that constitute a crime

or omission that affect its supplier infrastructure, except in the case of gross negligence by the entity.

The FNMT-RCM shall not be liable to persons whose behavior in the use of the Certificates has been negligent. For these purposes and in any case shall be considered negligence, the failure to observe the provisions set forth in the Certification Practices Statement, and especially in the stipulations in the sections referring to the obligations and liability of the parties.

In any case, and with the condition of penal clause, the quantity that the FNMT-RCM must pay for the concept of damages as ordered by the court to the harmed third parties or members of the Electronic Community, in the absence of specific regulation in the contracts or agreements, is limited to a maximum of SIX THOUSAND EUROS (6,000€).

In the event of termination of the activity as Certification Services Provider, the FNMT-RCM shall be governed by that stated in the electronic signature regulations. In any case, will inform this event, duly and sufficiently in advance, to the holders of the certificates, as well as the users of the affected services. The FNMT-RCM will transfer, with the express consent of the holders, those certificates which continue in force on the effective date of the cessation of the activity, to another Trust Services Provider which accepts them. If this transfer is not possible, the certificates shall be extinguished.

Applicable agreements, CPS, CP

The specific document of Certification Practices and Policy of Certificates of Entity Seals and Certificates of Representatives of Legal Entities and of Institutions with no Legal Entity from the “AC Representación” Certification Practices and Policy of Certificates of representatives of legal entities from the “AC representación”, accessible at <https://www.sede.fnmt.gob.es/dpcs/acrepresentacion>, inform about the conditions and characteristics of the certification services and services for the issuing of electronic certificates by the FNMT-RCM as a Trust Services Provider. This document contains the obligations and procedures which agrees to comply in regards to the issuing of the certificates of representatives of legal entities, certificates of representatives of institutions with no legal entity and representative certificates for sole and joint administrators and Entity Seals.

The activities that can be outsourced by FNMT-RCM in order to develop its activity as a Trust Services Provider are carried out according with the FNMT-RCM Certification Policies and Practices and the contracts/agreements signed with entities that perform such activities. In these cases, access to FNMT-RCM information by third parties follow the protocol defined in the Security Policy of this company, in terms of identifying risks, establishing security controls to protect access to information and formalization of the corresponding confidentiality agreements. If applicable, will be signed a contract for the treatment of personal data in compliance with current regulations.

Privacy policy

Basic information on the personal data collected. This information is made in two layers on the basis of European regulation (articles 13 and 14 of REGULATION (EU) 2016/679 - General Regulation of Data Protection) and Organic Law 3/2018, of December 5, of Protection of Personal Data and guarantee of digital rights

RESPONSABLE	FÁBRICA NACIONAL DE MONEDA Y TIMBRE-REAL CASA DE LA MONEDA, E.P.E., M.P. (FNMT-RCM)
PURPOSE	<p>Management of the provision of trusted services and other services of the electronic administration and information society, related and foreseen in the purpose of the Entity and in the current regulations.</p> <p>To manage the provision of the above service in all phases of their development and execution.</p> <p>Quality Management, surveys and opinion polls related to the trust services.</p>
LEGITIMATION	<p>The consent of the interested party.</p> <p>Law 6/2020, of November 11, regulating certain aspects of electronic trust services.</p>
DATA COMMUNICATION	<p>Public Administrations, agencies and related or dependent entities, within the scope of article 81 of Law 66/1997, of December 30, 1997, and all other cases contemplated in European and national regulations having the force of Law. Data communications will occur when the certificate serial number is included in the list of revoked certificates. In addition, the use of the certificate enables third parties to access data that you have provided us (name, surname and ID).</p> <p>Communications to the State Security Forces and Corps and judicial authority. No international transfers are made outside the EU.</p>
RIGHTS	<p>You can access, rectify, delete the data and exercise the other rights, as reported in https://www.fnmt.es/politica-privacidad (MAIN PAGE)</p>
SOURCE	<p>Unequivocal consent of the interested party. From companies and organizations where services are provided by those affected.</p>
SECURITY MEASURES	<p>Esquema Nacional de Seguridad. More information in the lower link.</p>
DATA CATEGORY	<p>Identifying data, of personal characteristics and social circumstances, as explained in the additional information of the Activities Register of the lower link.</p>
<p>You may consult additional and detailed information about this treatment in: https://www.fnmt.es/politica-privacidad (DATA PROCESSING Nº 13)</p>	

The interested parties authorize the FNMT-RCM to include the certificate serial number in the list of revoked certificates (data communication) so that it may be viewed by any user, whether or not the user has an electronic certificate, in both the public and private areas. We also inform you, and you agree that the use of the certificate for identification purposes or if you perform an electronic signature, entails the possibility that third parties may access the data you have provided to us that are included in the certificate.

The communications between the FNMT-RCM and the “Colegio de Registradores de la Propiedad y Mercantiles de España” (CORPME) are sent over the SARA inter-administrative network, using processes available 24/7 and secure communications. The purpose of such communications is the exchange of the information which guarantees that the entity is registered within the Mercantile Register, that the applicant of the certificate is the sole or joint administrator of the entity, and also the provision of the registry information that will be included in the certificate when it is issued. Likewise any other information regarding the registration of the cessation of the Representative included in the certificate (sole or joint administrator), upon the extinguishing of the entity that is the holder of the certificate, or any other cause for revocations that is legally required to be entered in into record in the Mercantile Register, will be exchanged by these means.

Refund policy

Though consumer's Law does not force reimbursements when the items are personalized, as it is with the representative certificates, FNMT – RCM has adopted a return policy that will allow the client to request of reimbursement within the established withdrawal period, accepting that this request of reimbursement will entail the automatic revocation of the certificate. The procedure will be published in the official web of FNMT – RCM.

This policy is not applicable to the certificates for non-legal entities since FNMT-RCM does not charge any fee for them.

Applicable law, complaints and dispute resolution

The provision of trust services by the FNMT-RCM shall be governed by the Laws of the Kingdom of Spain.

In general, the members of the Electronic Community and the Users of the trust services of the FNMT-RCM accept that any dispute, disagreement, issue or claim resulting from the execution or interpretation of the Trust Services Practices Policies and/or Statements or directly or indirectly relating to them, shall be settled in accordance with that established in the corresponding contracts, general conditions and/or agreements, under the terms set out in the entity's Articles of Association passed by Royal Decree 51/2023, of 31st January (BOE – Official State Gazette – no. 27 of 1st February). They can also agree, following agreement by the competent body of the FNMT-RCM, arbitration clauses in accordance with the applicable legislation.

In the event that contracts, general conditions and / or parcels or agreements do not specify conflict resolution systems, all parties submit to the exclusive jurisdiction of the courts of the Spanish State in the city of Madrid

Likewise, mediation or arbitration procedures may be agreed upon, subject to the approval of the competent bodies of the FNMT-RCM, in accordance with the applicable legislation.

CA and repository licenses, trust marks and audit

The FNMT – RCM has a long history in performing its industrial activities, as well as backing from the State. Since the entry in force of article 81 of the Fiscal, Administrative and Social Order Measures Act 66/1997, of 30th December, and its modifications, the FNMT-RCM has contributed to promoting the extension of the services to which it is authorized and has gained the recognition in the private environment in the sector of electronic certification and the data communications networks, becoming a significant player in the provision of certification services.

FNMT-RCM, as a Trust Services Provider, holds several accreditations and certifications, such as:

- Certificates for Electronic Signature and Entity Seals: Issuance and administration of qualified electronic certificates in accordance with ETSI EN 319 411-1 “Policy and Security Requirements for Trust Services Providers issuing certificates-General Requirements”, ETSI EN 319 411-2 “Requirements for trust service providers issuing EU qualified certificates”, ETSI EN 319 412-2 “Certificate profile for certificates issued to natural persons” and ETSI EN 319 412-3 “Certificate profile for certificates issued to legal persons” respectively

The Entity Seals and certificates for representatives of legal entities, the certificates of representatives of institutions with no legal entity and the certificates representative for sole and joint administrators, are issued as qualified certificates under the Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014, concerning electronic identification and trust services for electronic transactions in the internal market. Inclusion in the list of trusted certification service providers (TSL) of Spain, can be seen through the link <https://sede.minetur.gob.es/es-ES/datosabiertos/catalogo/lista-prestadores-tsl>

This audit is conducted with the required frequency and by a Conformity Assessment Body accredited for such purpose.