



Recommendation of the Council on Electronic Authentication

**OECD Legal
Instruments**

This document is published under the responsibility of the Secretary-General of the OECD. It reproduces an OECD Legal Instrument and may contain additional material. The opinions expressed and arguments employed in the additional material do not necessarily reflect the official views of OECD Member countries.

This document, as well as any data and any map included herein, are without prejudice to the status of or sovereignty over any territory, to the delimitation of international frontiers and boundaries and to the name of any territory, city or area.

For access to the official and up-to-date texts of OECD Legal Instruments, as well as other related information, please consult the Compendium of OECD Legal Instruments at <http://legalinstruments.oecd.org>.

Please cite this document as:

OECD, *Recommendation of the Council on Electronic Authentication*, OECD/LEGAL/0353

Series: OECD Legal Instruments

© OECD 2018

This document is provided free of charge. It may be reproduced and distributed free of charge without requiring any further permissions, as long as it is not altered in any way. It may not be sold.

This document is available in the two OECD official languages (English and French). It may be translated into other languages, as long as the translation is labelled "unofficial translation" and includes the following disclaimer: *"This translation has been prepared by [NAME OF TRANSLATION AUTHOR] for informational purpose only and its accuracy cannot be guaranteed by the OECD. The only official versions are the English and French texts available on the OECD website <http://legalinstruments.oecd.org>"*

Date(s)

Adopted on 12/06/2007

Background Information

The Recommendation on Electronic Authentication was adopted by the OECD Council on 12 June 2007 on the proposal of the Committee for Information, Computer and Communications Policy (now called Committee on Digital Economy Policy). The Recommendation reaffirms the important role of electronic authentication in building trust online, thus helping the continued development of the digital economy. It encourages efforts by Adherents to establish compatible technology-neutral approaches for effective domestic and cross-border electronic authentication of persons and entities.

THE COUNCIL,

HAVING REGARD to Article 5 b) of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

HAVING REGARD to Rule 18 b) of the Rules of Procedure;

HAVING REGARD to the Declaration on Authentication for Electronic Commerce [C(98)177];

HAVING REGARD to the Recommendation of the Council Concerning Guidelines for the Security of Information Systems and Networks - Towards a Culture of Security [C(2002)131/FINAL] hereinafter the "Guidelines for the Security of Information Systems and Networks";

HAVING REGARD to the Recommendation of the Council concerning Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data [C(80)58/FINAL];

RECOGNISING that trust is a key condition for many online transactions to take place, and that, within a broader system of measures and strategies, electronic authentication of persons and entities plays an important role in this respect;

RECOGNISING that electronic authentication, which is an essential component of the verification and management of identities online, provides a level of assurance as to whether the other party is who or what it claims to be; and thereby reduces the uncertainty inherent in domestic and cross-border electronic interactions and transactions;

RECOGNISING that effective electronic authentication helps to strengthen systems and network security, as well as privacy by reducing risks such as unauthorised access to personal data, identity theft and data breaches, and by providing additional means of accountability;

RECOGNISING that electronic authentication is an important element in the continued development of governmental and other social and individual activities online, enables the creation of new business opportunities, contributes to the development of electronic commerce, and is a key component of a viable and sustainable Internet;

RECOGNISING finally, that this Recommendation addresses electronic authentication of persons and entities, but does not address other aspects of electronic authentication, such as legal assurance of validity of documents or electronic signatures;

On the proposal of the Committee for Information, Computer and Communications Policy:

RECOMMENDS that Member countries:

- Work towards establishing technology-neutral approaches for effective domestic and cross-border electronic authentication of persons and entities, consistent with the OECD Guidelines for the Security of Information Systems and Networks and the OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data;
- Foster the development, provision and use of electronic authentication products and services that embody sound business practices, including technical and non technical safeguards to meet the participants' needs, in particular with respect to security and privacy of their information and identity;
- In both the private and public sectors, encourage business and legal compatibility and technical interoperability of authentication schemas, to facilitate cross-sectoral and cross-jurisdictional online interactions and transactions and to ensure that authentication products and services can be deployed at both national and international levels;
- Take steps to raise the awareness of all participants, including those in non-member economies, on the benefits of the use of electronic authentication at national and international levels.

RECALLS the Guidance on Electronic Authentication [DSTI/ICCP/REG(2006)3/REV3] which may assist Member countries in developing effective and compatible approaches to electronic authentication, both at the national and international levels.

INVITES non-member economies to take account of this Recommendation.

INSTRUCTS the Committee for Information, Computer and Communications Policy to monitor developments connected with electronic authentication in OECD Member countries and other international forums, and review this Recommendation within three years of its adoption and thereafter as appropriate.

Adherents*

OECD Members

Australia
Austria
Belgium
Canada
Chile
Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Hungary
Iceland
Ireland
Israel
Italy
Japan
Korea
Latvia
Lithuania
Luxembourg
Mexico
Netherlands
New Zealand
Norway
Poland
Portugal
Slovak Republic
Slovenia
Spain
Sweden
Switzerland
Turkey
United Kingdom

Non-Members

Peru

* Additional information and statements are available in the Compendium of OECD Legal Instruments:
<http://legalinstruments.oecd.org>

About the OECD

The OECD is a unique forum where governments work together to address the economic, social and environmental challenges of globalisation. The OECD is also at the forefront of efforts to understand and to help governments respond to new developments and concerns, such as corporate governance, the information economy and the challenges of an ageing population. The Organisation provides a setting where governments can compare policy experiences, seek answers to common problems, identify good practice and work to co-ordinate domestic and international policies.

The OECD Member countries are: Australia, Austria, Belgium, Canada, Chile, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Korea, Latvia, Lithuania, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Poland, Portugal, the Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States. The European Union takes part in the work of the OECD.

OECD Legal Instruments

Since the creation of the OECD in 1961, around 450 substantive legal instruments have been developed within its framework. These include OECD Acts (i.e. the Decisions and Recommendations adopted by the OECD Council in accordance with the OECD Convention) and other legal instruments developed within the OECD framework (e.g. Declarations, international agreements).

All substantive OECD legal instruments, whether in force or abrogated, are listed in the online Compendium of OECD Legal Instruments. They are presented in five categories:

- **Decisions:** OECD legal instruments which are legally binding on all Members except those which abstain at the time of adoption. While they are not international treaties, they entail the same kind of legal obligations. Adherents are obliged to implement Decisions and must take the measures necessary for such implementation.
- **Recommendations:** OECD legal instruments which are not legally binding but practice accords them great moral force as representing the political will of Adherents. There is an expectation that Adherents will do their utmost to fully implement a Recommendation. Thus, Members which do not intend to do so usually abstain when a Recommendation is adopted, although this is not required in legal terms.
- **Declarations:** OECD legal instruments which are prepared within the Organisation, generally within a subsidiary body. They usually set general principles or long-term goals, have a solemn character and are usually adopted at Ministerial meetings of the Council or of committees of the Organisation.
- **International Agreements:** OECD legal instruments negotiated and concluded within the framework of the Organisation. They are legally binding on the Parties.
- **Arrangement, Understanding and Others:** several ad hoc substantive legal instruments have been developed within the OECD framework over time, such as the Arrangement on Officially Supported Export Credits, the International Understanding on Maritime Transport Principles and the Development Assistance Committee (DAC) Recommendations.