

Regulation for Wireless Systems with Cryptograph

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CHAPTER ONE

Purpose, Scope, Legal Basis, and Definitions

Purpose

Article 1- The purpose of the present regulation is to determine the rules and regulations and the works and procedures to be implemented in establishment and operation of the Wireless Systems with Cryptograph by public institutions and establishments, and to issue a cryptography approval for the standards, production, sale, and import or export, and in use, keep the records, supervise, control, and in repair and maintenance of these appliances, under the Wireless Law No: 2813.

Scope

Article 2- The present Regulation shall cover determination of the rules and regulations regarding performance of communication with crypto over the wireless systems of public institutions and establishments under the Wireless Law No: 2813. However, the Turkish Armed Forces, Coast Guard Command, Undersecretariat for National Intelligence Organization, Directorate General of Security, and the Foreign Ministry shall be the exclusion thereof.

Legal Basis

Article 3- The present Regulation is prepared under the Wireless Law No: 2813.

Definitions

Article 4- The following terms used herein shall denote the meanings indicated across them:

Ministry of National Defence shall be referred to as the "**MND**".

Telecommunication Authority shall be referred to as the "**Authority**".

Department of General Staff shall be referred to as the "**Dept.GS**".

National Electronic and Cryptology Research Institute of the Turkish Scientific and Technical Research Institution (Tubitak) shall be referred to as the "**NECRI-TUBITAK**".

The science relating fulfilment of security services such as provision of secrecy, preservation of integrity, being accessible, unchangeableness

without authorization, and undeniable identity of resource of information shall be referred to as the “**cryptography**”.

The appliances, products etc., relating cryptography shall be referred to as the “**cryptograph**”.

Using of Cryptography techniques shall be referred to as the “**encryption**”.

The stationary, mobile or portable wireless device used together with an internal and/or external device for encryption shall be referred to as the “**wireless device with cryptograph**”.

The wireless system having wireless devices with cryptographs shall be referred to as the “**wireless system with cryptograph**”.

The certificate of approval to be issued by Dept.GS in according to the results of test of NECRI-TUBITAK shall be referred to as the “**cryptography approval**”.

The certificate of approval to be issued for stationary and/or mobile cryptograph centres following the control and supervision to be performed by Dept.GS shall be referred to as the “**cryptographic centre approval**”.

The communication realized by using cryptographs and cryptographic techniques shall be referred to as the “**cryptographic communication**”.

The Law for Supervision Special Industrial Enterprises Producing War Arms and Ammunitions in Turkey shall be referred to as the “**Law with No: 3763**”.

The materials within the scope of the Law with no: 3763 shall be referred to as the “**material to be subject to supervision**”.

The all mathematical functions and protocols used in encryption, decryption, identity authentication, and similar cryptographic steps shall be referred to as the “**cryptographic algorithm**”.

The list of variable characters used in encryption and decryption of information and applied to the algorithm shall be referred to as the “**cryptographic key**”.

The person for whom the certificate of cryptographic security is issued to work in services relating cryptography shall be referred to as the “**personnel with cryptographic clearance**”.

The document with “NATIONAL” security classification issued by the Ministry of Defence for the firms and institutions operating on the field of defence industry shall be referred to as the “**facility security classification**”.

The certificate issued by the Ministry of Defence for those who meet the conditions required from industrial establishments willing to produce within the scope of the Industry List of War Vehicles, Tools, Arms and Ammunition to be Subject to Supervision published in the Official Gazette in January of each year by the Ministry of Defence under the Law No: 3763 shall be referred to as the “**certificate for production license**”.

The certificate issued for the appliances of which their conformity to standards are tested in the testing and measurement laboratory, and approved shall be referred as to the “**certificate of conformity to standards**”

The documents for evaluation of conformity, RF, EMC and LVD test reports consisting technical specifications of appliance shall be referred as to the “**technical documentation**”.

The radio frequency shall be referred as to the “**RF**”.

The electromagnetic compatibility shall be referred as to the “**EMC**”.

The low voltage directive shall be referred as to the “**LVD**”

CHAPTER TWO

Application, License and Approval for Use of Wireless System with Cryptograph

Particularities and Documents required in Applications

Article 5- The public institutions and establishments willing to realize cryptographic wireless communication must apply to the Authority with the information and document specified below:

- a) Petition,
- b) Ground Report explaining in detail the need of cryptographic wireless communication
- c) The wireless system scheme plotted on a map or a sketch with scale,
- d) Full addresses and geographic coordinates (as degree, minute, and second) of the places where relay stations will be set up in the land stations within mobile service, the handy wireless sets in case of establishment in stationary and local areas, and the stationary stations to be set up within stationary service,

- e) The application form of Authority in duplicate filled in according to the kind of system (air, sea, and land).

Evaluation of Applications

Article 6- Evaluation of applications submitted to the Authority:

- a) A license for system establishment shall be issued following evaluation of request for establishment of wireless system from the standpoint of relevant legislation, and receiving of positive consideration from Dept.G.S for cryptographic communication for the system considered convenient, and frequency allocation shall be made, and one copy of application form together with a letter of license shall be forwarded to the applicant.
- b) The license for establishment and operation of wireless system with cryptograph may be issued for diplomatic representatives of foreign countries in Turkey under the principles of reciprocity. Any and all procedures relevant thereof shall be implemented by the Foreign Ministry.
- c) The Authority shall take into consideration whether the public institutions or establishments applied are within the scope of privatization. No application of those in which the share of state is less than 51% shall be accepted. The license issued for those shall be revoked in a manner described in Article 15 of the present Regulation in case of the share of state is less than 51%.
- d) The chapters relating cryptograph of technical specifications and other documentation to be used in procurement processes shall be organized by obtaining positive consideration of Dept.G.S.
- e) Public institutions and establishments may set up and operate the wireless system with cryptograph within a duration specified in the approval following meeting the requirements listed above.

Issuing of

Issuing of Cryptography Approval

Article 7- Following matters shall be requested in issuing of cryptography approval to wireless systems with cryptograph:

- a) Only the cryptographic device and system having an approval following testing of cryptograph security thereof shall be used as to make cryptographic communication over the wireless systems. The internal and external cryptographs, the cryptographic algorithms, and the appliances and systems for cryptographic key, distribution and installing thereof shall be examined and tested by NECRI-

TUBITAK. The cryptography approval describing to what extent security classification can be used shall be issued by Dept.G.S in accordance with test results.

- b) The provisions of relevant legislation shall be implemented for any and all techniques, licenses, registration, frequency, production, import, sales, repair and maintenance, and similar matters excluding cryptographic specifications of wireless system with cryptograph.
- c) Suitable documentation in comply with the Testing Specifications to be provided by NECRI-TUBITAK shall be obtained in case of considered agreeable by the Dept.G.S.

CHAPTER THREE

Financial Matters Relating to Rules and Procedures of Use of Wireless Devices with Cryptograph

Use of Wireless Devices with Cryptograph

Article 8- The institutions authorized to communicate with cryptograph over wireless systems are listed in the Wireless Law no: 2813. For those other than this the Dept.G.S shall give a decision of which wireless system will be used for communication with cryptograph. Necessary processes shall be made by the Authority depending upon this permit. No marketing and sales of wireless devices and systems with cryptograph shall be made to the amateur cryptographers, natural and legal persons other than the public institutions and establishments.

Necessity to Obtain a License

Article 9- To obtain a license from the Authority shall be compulsory in holding and using the wireless receivers, transmitters, and the receivers/transmitters with cryptograph used for the aim of communication by means of electromagnetic waves, and in receiving, transmitting or recording any and all pictures, sound and data other than the purposes of sales, and a phrase "Used with cryptograph" shall be affixed on the licenses of devices with cryptograph.

Changes to Wireless System

Article 10- In case of applicable changes to the wireless systems operated by public institutions and establishments that have obtained licenses, and been operating wireless systems with cryptograph, and in case of a new system is in question, or if existing system cannot meet the requirements, then to obtain a permit from to the Authority by filling in relevant application form in

order to purchase additional devices, and make them recorded in the licenses thereof shall be compulsory. Formal requests for change of location and additional device with cryptograph shall be implemented by the Authority in coordination with Dept.G.S.

No change or modification shall be able to be made in cryptographic algorithm and devices used in wireless devices by users.

Following matters shall be taken into consideration in order to change the location, technical specifications, and emulsion types in wireless systems with cryptograph:

- a) No change or modification shall be able to be made without obtaining a permit from the Authority,
- b) Changing location of a stationary station in the system shall be subject to the Authority's permit. As to the mobile stations with cryptograph operated in a land mobile service, they shall not be able to be operated in other than the regions specified in the licenses thereof,
- c) The emulsion types of wireless stations with cryptograph operated in a mobile service shall not be able to be changed,
- d) No limitation shall be in question in changing of location due to particularities of sea and air mobile services,
- e) Changing of location of sea and air mobile services, and of land stationary, and coast wireless stations operating mutually may be made upon convenience.

However, these changes shall be recorded in the licenses thereof, and made approved by the Authority. For this, relevant institutions and establishments shall have to apply to the Authority.

Financial Matters Relating to Wireless Devices and Systems with Cryptograph

Article 11- The prices relating to wireless devices and systems with cryptograph shall be determined in accordance with the List of Fares for Telecommunication Services of the Authority. The financial matters other than this matter shall be implemented according to the legislations of relevant institutions.

CHAPTER FOUR Supervisory Measures

Security and Custodial Measures

Article 12- The institutions and establishments using wireless systems with cryptograph shall, due to speciality of the system, have to follow the matters set forth below:

- a) The institutions and establishments using wireless systems with cryptograph shall have to take custodial measures which prevent the systems to be passed into the hands of, and used by unauthorized persons. In this context, they shall have to take necessary measures to determine the persons who will use the wireless systems and devices with cryptograph, and then issue a cryptographic clearance in order to prevent the system against being used by unauthorized persons.
- b) The institutions and establishments doing communications of wireless systems with cryptograph shall be obliged for taking necessary measures against cryptographic violation and disabling.

Supervision of Wireless systems with Cryptograph

Article 13- Exclusion of cryptographic algorithm, supervision of use of wireless systems under the licenses issued shall be performed by the Authority. In case of a request from the Authority whether any impressive change of security has been made on cryptographic algorithm or system shall be examined by the NECRI-TUBITAK, and the Authority shall be advised thereabout.

The Authority shall be authorized to do *in situ* supervision, in accordance with relevant supervisory forms, conformity of any and all kinds of systems and devices used in these systems set up and operated under the licenses and the permits of use issued to the public institutions and establishments, with the terms and conditions in laws, regulations, and the licenses thereof. However technical support shall be given by the NECRI-TUBITAK.

The Authority may supervise any and all wireless systems in any time with or without a notice by means of its teams composing of technical personnel authorized to supervise, and of the holders of identity card.

The matter whether users follow the legislation in respect to the measures, which are necessary to be taken by the users, for

security and prevention of cryptograph informed by the Authority shall be supervised during issuing a license for establishment.

The institution and establishment shall have to provide necessary easiness to the team during supervision.

Sanctions

Article 14- The provisions below shall be applied in cases of irregularities observed during supervisions:

- a) In the event of determination that the project applications and the appliances being used are not in comply with the specifications of devices licensed 45-day period shall be given to the sellers and users to eliminate the irregularities and assembly faults determined.
- b) The institutions which sell, and import or produce appliances without permit, and the appliances of those who use the appliances thereof shall be locked up and affixed with a seal, and necessary judiciary processes shall be applied.
- c) In case of determination of the appliances purchased from the firms having certificate of authorization issued by the Authority prior to the license for establishment of system, or use of appliances without a license then returning of the appliance to its seller firm shall be ensured, and the activity of seller firm shall temporarily be suspended for 6-month period, additionally.
- d) In case of transfer of devices by way of donation, transfer and similar processes between parties without obtaining necessary permit from the Authority then the appliances shall be locked up and affixed with a seal by the Authority.
- e) In case of changes in location, technical specifications and emulsion types on the systems set up by obtaining licenses then the activities of wireless system shall be stopped, operation license shall be revoked, all of devices shall be locked up and affixed with a seal. And in case of determination of additional devices included in the system without a license then the appliances shall also be locked up and affixed with a seal, and be subject to legal process. In case of changes in location and technical specifications of the wireless devices then 45-day period shall be given to the user to ensure the changes in the system be recorded on the license.

In the event of determination that the correction or elimination of irregularities will not be possible at the end of duration given then the license for setting up and operate the system shall be revoked and the appliances shall be locked up and affixed with a seal.

Necessary legal processes shall be applied to relevant person under the Wireless Law No: 2813 and the Law No: 3763.

Revocation and Pilferage

Article 15- The procedures below shall be followed in case of revocation and pilferage of the wireless systems with cryptograph:

a) The processes for abrogation of use, cancellation of records, and revocation:

- 1) The public institutions and establishments shall apply to the Authority for the part(s) of wireless system with cryptograph they wish to abrogate, and the authorized personnel of Authority shall lock it up and affixed with a seal depending on the appropriate consideration of the Dept.G.S. The Dept.G.S shall then be advised about the systems abrogated.
- 2) In case of disappear of the justification of use of wireless system with cryptograph then the Authority shall be informed by the Dept.G.S that the licenses for setting up and operation of wireless system with cryptograph should be revoked, and the Authority shall revoke the licensed, and make necessary procedures.
- 3) In case of renouncement of use of wireless system with cryptograph completely then the Authority shall be advised the situation thereabout. The appliances shall, by a letter from the Authority, be delivered by the users or owners of licenses to the wireless dealers who have been given authorization for repair and maintenance from the Authority following revocation of the parts relating with cryptograph of the wireless devices and systems with cryptograph by duly destroying them, and drawing up a protocol thereabout by the personnel with cryptographic clearance from the institute to be considered convenient, or as a result of coordination by the Dept.G.S. The responsibilities on the wireless devices of the license owners who submit to the Authority this delivery protocol drawn between the parties shall be terminated and the licenses thereof shall be revoked.

In the event that the wireless device with cryptograph becomes unusable then

The appliances shall, by a letter from the Authority, be delivered by the users or owners of licenses to the General Directorate for Scrap Works, Turkish Machinery and Chemical Industry Authority following revocation of the parts relating with cryptograph of the wireless devices and systems with cryptograph by duly destroying them, and drawing up a protocol thereabout by the personnel with cryptographic clearance from the institute to be considered convenient, or as a result of coordination by the Dept.G.S. The responsibilities of the license owners who submit to the Authority this delivery receipt shall be terminated and the licenses thereof shall be revoked.

4) The institutions willing to use wireless devices again whose records are cancelled shall make an application to the Authority.

b) The processes in case of pilferage of devices:

1) The relevant institution shall, from the security of communication viewpoint, have to take necessary measures impeding the use of devices/systems lost. Moreover, the security institutions shall be informed about the situation for drawing up a report.

2) The official report drawn up by relevant security institutions shall be forwarded to relevant Regional Directorate of the Authority.

3) The Dept.G.S shall also be reported about the situation, and the processes for following up and supervision oriented to find out a device shall be started.

Keeping Records for Wireless Systems with Cryptograph

Article 16- The kinds of system and the devices used, and the brands, models and serial numbers thereof used by the institutions and establishments using wireless device/system with cryptograph shall be kept under the Authority other than those authorized to communicate with cryptograph defined in law.

CHAPTER FIVE
Production, Sales, Import, Repair and Maintenance

Certificates of Authorization for Production and Sales of Wireless Devices/Systems with Cryptograph

Article 17- The institutions willing to produce wireless devices and systems with cryptograph shall be subject to the provisions of the Law No: 3763, and the legislation thereof. The matters below shall be required in the application form from the institutions willing to obtain certificates for production and sales of wireless devices and systems with cryptograph. The institution shall have to make an application with an official petition together with the documentation below:

a) For the “Authorization Certificate for Production” of wireless devices and systems with cryptograph:

- 1) The Facility Security Classification and the Certificate for Production License;
- 2) The Certificate of Cryptographic Security to be issued by the Dept.G.S for the personnel who works in the activities relating cryptograph at the facilities where the wireless devices/systems with cryptograph will be produced, and has an access to cryptographic information, documentation and materials;
- 3) The Cryptographic Centre Approval to be issued by the Dept.G.S for the sections where activities relating cryptograph take place at the facilities where the wireless devices/systems with cryptograph will be produced; and

b) For the “Authorization Certificate for Sales” of wireless devices and systems with cryptograph:

- 1) The Certificate for Production License obtained by fulfilling the provisions listed in paragraph (a) herein above;
- 2) The Cryptography Approval to be issued by the Dept.G.S for the wireless part of device;
- 3) The Certificate of Conformity to Standards to be issued by the Authority for the wireless part of device.

As a result of examination of applications the Certificate for Production and Sales shall be issued by the Authority for the period of 2 year.

Import of Wireless Devices and Systems with Cryptograph

Article 18- If the institutions having the Certificate for Production License shall not be able to meet the requirements from public institutions and establishments for the wireless devices and systems with cryptograph locally then the Certificate of Authorization for Importer, Import License for Sample, and Batch Import License, respectively shall be issued by the Authority for those who will make application with the documentation below:

a) For the “Authorization Certificate for Import”

- 1) The Official petition of application;
- 2) Certificate of Authorization for Production and Sales;
- 3) The letter explaining that the procurement has not been met locally; and the Import License for Samples shall be issued

b) For import of a sample:

- 1) The Official petition of application;
- 2) A letter of approval to be issued by the Dept.G.S in respect to the origin of the wireless devices and systems with cryptograph which import license will be issued therefor;
- 3) The original Proforma Invoice having the brand, model and price; and
- 4) The technical documentation.

Following importation, the institution shall be oriented to the Authority’s Laboratory for testing of the device imported.

The Certificates of Cryptography Approval indicating that up to what degree of security classification can be used by the authorized official institution of the country from which the wireless devices with cryptograph have been imported, shall be forwarded to the Dept.G.S for the purpose of evaluation that up to what degree of security classification can be used locally. Devices may be requested to be tested by the NECRI-TUBITAK, if considered convenient.

c) For batch import:

- 1) The Official petition of application;
- 2) The invoice issued for batch import;
- 3) Certificate of Conformity to Standards issued by Dept.G.S; and
- 4) The Cryptography Approval to be issued by the Dept.G.S for the wireless part of device.

The institutions having the Certificate of Importer shall, within 15 days following import, deliver the parts relating wireless of their import inventories, and the parts with cryptograph to the Authority and the Dept.G.S, respectively.

Sales of Wireless Devices and Systems with Cryptograph

Article 19- The institutions dealing with production and import of wireless devices and systems with cryptograph shall have to follow the matters listed below:

- a) The seller institution shall have the “Certificate of Authorization for Production and Sales”;
- b) Each wireless devices and systems with cryptograph sold shall receive repair and maintenance services from the seller institution in accordance with Article 20 of the present Regulation;
- c) No amendment on contrary to the standards and the licenses for system-set up approved by the Authority shall be made on the devices sold;
- d) The Instruction Manual of device in Turkish for installation and operation, and the Warranty Certificate thereof stamped by the seller institution shall, together with each wireless device and systems with cryptograph sold shall be delivered to the customer;
- e) The brand, model and the serial number of devices shall clearly be indicated on the invoice thereof given to the customer;
- f) Setting up in-place and adjustment of the wireless devices and systems with cryptograph sold shall particularly be made by the seller institution. This situation shall be determined by means of the System Reporting Form which will be mutually forwarded to the Authority by both the seller and user. Any and all responsibilities relating setting up and adjustment of the wireless devices and systems with cryptograph shall be of the Seller.
- g) The institutions obtained authorization of production and sales of the wireless devices and systems with cryptograph shall not be able to sell these devices and systems in anywhere excluding the sale locations thereof, and shall not be able to hold in anywhere the wireless device without an invoice including the locations where the sales permit is issued therefor.

Repair and Maintenance of Wireless Devices and Systems with Cryptograph

Article 20- Repair and maintenance of the wireless devices and systems with cryptograph shall be made by the institutions having the Certificate of Authorization for Repair and Maintenance which shall be obtained in accordance with the provisions of legislation of the Authority.

Export of Wireless Devices and Systems with Cryptograph

Article 21- Export of wireless devices and systems with cryptograph shall be made by the firms granted with approval in accordance with the Law No: 3763 and relevant legislation.

Tests for Conformity to Standards of Wireless Devices and Systems with Cryptograph

Article 22- The parts relevant to the cryptograph and the wireless shall be subject to testing for conformity to standards by the Dept.G.S and the Authority, respectively.

Entry into Force

Article 23- The present Regulation shall be entry into force on the date of its publication.

Execution

Article 24- The provisions of present Regulation shall be executed by the Head for Telecommunication Board.