	<b>Digital trust process</b>	
	<b>ILNAS/PSDC/Pr001</b>	
Approved by :	Version 4.7 – 24.06.2019	Page 1 of 9


# **ILNAS/PSDC/Pr001**

## **Supervision of Digitisation or e-archiving service providers (*PSDCs*)**

Modifications: Simplifications & minor corrections

1, avenue du Swing  
L-4367 Belvaux  
Tél.: (+352) 247 743 50  
Fax: (+352) 247 943 50

[confiance-numerique@ilnas.etat.lu](mailto:confiance-numerique@ilnas.etat.lu)  
<https://portail-qualite.public.lu>

	<b>Digital Trust Process</b>	
	<b>ILNAS/PSDC/Pr001</b>	
Approved by : Alain Wahl	Version 4.7 – 24.06.2019	Page 2 of 9

## 1. Introduction

The Luxembourg institute for standardisation, accreditation, safety, and quality of goods and services (ILNAS, Fr.: “Institut Luxembourgeois de la Normalisation, de l’Accréditation, de la Sécurité et qualité des produits et services”) is placed under the administrative supervision of the Minister of the Economy of the Grand Duchy of Luxembourg. The legal missions of ILNAS – Digital Trust Department are defined in [1].

ILNAS, via the “Digital Trust Department”, is notably charged with the supervision of PSDCs (Fr.: “Prestataires de services de dématérialisation ou de conservation”) that are established in the Grand Duchy of Luxembourg and offer services related to digitisation or e-archiving of documents.

This document describes the scheme, requirements and process applied by the ILNAS – Digital Trust Department for the supervision of PSDCs. The supervision scheme is based upon the law on electronic archiving of 25 July 2015 [2].

## 2. Purpose of the procedure


The purpose of this procedure consists to describe the process of supervising PSDCs. The procedure primarily addresses the clients and the staff of ILNAS – Digital Trust Department.

## 3. Definitions

For the requirements of this document, the definitions given in the *Règlement grand-ducal modifié du 25 juillet 2015 portant exécution de l’article 4, paragraphe 1<sup>er</sup> de la loi du 25 juillet 2015 relative à l’archivage électronique* [3] apply.

## 4. References

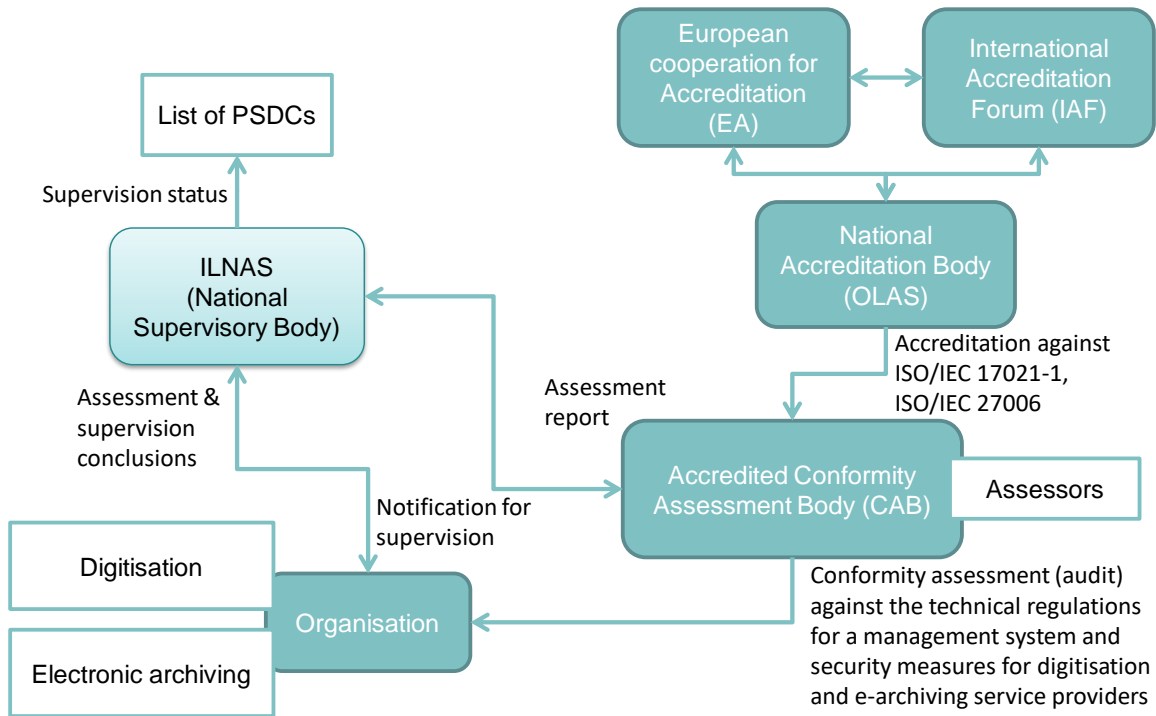
- [1] Loi du 4 juillet 2014 portant réorganisation de l’Institut luxembourgeois de la normalisation, de l’accréditation, de la sécurité et qualité des produits et services et portant organisation du cadre général pour la surveillance du marché dans le contexte de la commercialisation des produits ;
- [2] Loi du 25 juillet 2015 relative à l’archivage électronique et portant modification :1. de l’article 1334 du Code civil ; 2. de l’article 16 du Code de commerce ; 3. de la loi modifiée du 5 avril 1993 relative au secteur financier ;
- [3] Règlement grand-ducal modifié du 25 juillet 2015 portant exécution de l’article 4, paragraphe 1<sup>er</sup> de la loi du 25 juillet 2015 relative à l’archivage électronique;
- [4] Lignes directrices d’audit de la règle technique d’exigences et de mesures pour la certification des Prestataires de services de dématérialisation ou de conservation (PSDC) ;
- [5] ETSI TS 119 612 v2.1.1. (2015-07) – Electronic Signatures and Infrastructures (ESI); Trusted Lists.
- [6] ISO/IEC 17021-1:2015 Conformity assessment -- Requirements for bodies providing audit and certification of management systems -- Part 1: Requirements
- [7] ISO/IEC 27006:2015 Information technology -- Security techniques -- Requirements for bodies providing audit and certification of information security management systems

	<b>Digital Trust Process</b>	
	<b>ILNAS/PSDC/Pr001</b>	
Approved by : Alain Wahl	Version 4.7 – 24.06.2019	Page 3 of 9

## 5. Supervision scheme for PSDCs

Figure 1 *Supervision scheme for PSDCs* illustrates the model for PSDC supervision. This scheme relies on the following elements:

- The national accreditation body of a Member state (e.g., OLAS in Luxembourg) which has signed the European cooperation for Accreditation (EA) multilateral agreement (EA MLA) accredits the competence of conformity assessment bodies to carry out conformity assessment of a PSDC and the services it provides;
- **Conformity assessment bodies (CABs)**, independent bodies of assessors, accredited against [6] and [7] by the national accreditation body, providing assessment in order to carry out conformity of PSDCs against [3]. In this frame, some examples of conformity assessment guidance [4] is published on [www.portail-qualite.lu](http://www.portail-qualite.lu);
- **ILNAS – Digital Trust Department**, the national supervisory body, which is responsible for undertaking supervision of PSDCs; under the law of electronic archiving [2];
- **List of PSDCs**, a document which contains the supervision status of PSDCs.

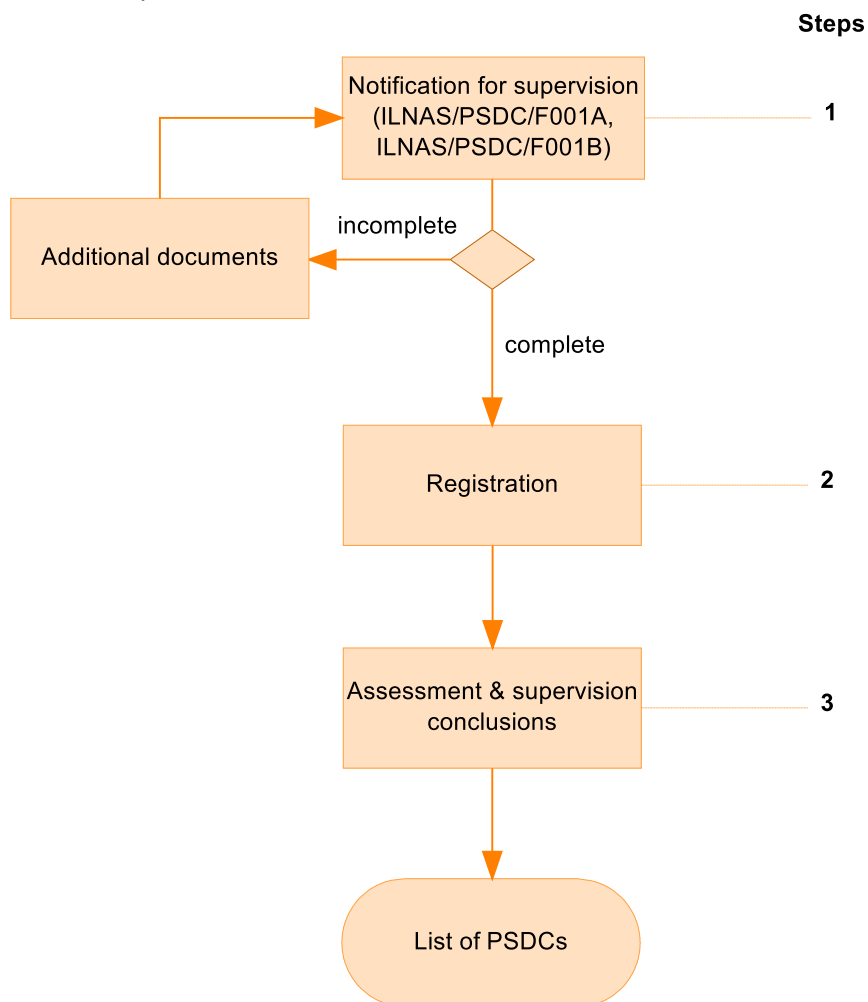


**Figure 1 Supervision scheme for PSDCs**

## 6. Supervision process

Figure 2 *Supervision process* illustrates the different steps to obtain “PSDC” status:

1. Notification for supervision;
2. Registration of the PSDC;
3. Assessment & supervision conclusions.



**Figure 2 Supervision process**


### Step 1: Notification for supervision

A notification for supervision of a PSDC is made via the application form ILNAS/PSDC/F001A - *Notification for supervision of Digitisation or e-archiving service providers (PSDCs)*.

The form includes, in addition to general information of the PSDC and information about the supervision, the scope of supervision, which has to be signed by a representative authorized to commit the PSDC.

The PSDC must also provide all the supporting documents listed in the notification form.

This notification form enables the PSDC to officially notify their application for supervision and constitutes "the triggering factor" for the supervision process. The form is also used in order to provide the ILNAS – Digital Trust Department with any updated information about supervised PSDCs, which have undergone major changes to their structure, their organization or in their resources required to carry out the activities covered by the notification for supervision.

	<b>Digital Trust Process</b>	
	<b>ILNAS/PSDC/Pr001</b>	
Approved by : Alain Wahl	Version 4.7 – 24.06.2019	Page 5 of 9

The duly completed, dated and signed notification form, together with supporting documents, must be mailed or brought in an envelope marked "confidential" to:

**ILNAS**  
**Digital Trust Department**  
**1, avenue du Swing**  
**L-4367 Belvaux**

Alternatively, the notification can be sent electronically, in a secure way, to ILNAS – Digital Trust Department. The Digital Trust Department ([confiance-numerique@ilnas.etat.lu](mailto:confiance-numerique@ilnas.etat.lu)) has to be contacted prior to sending the form and the supporting documents to discuss the transmission modalities.

On receipt of a notification for supervision or for extending the scope of supervision, the **case manager (Fr.: “gérant d’affaires”)** reviews the application and resources on the basis of ILNAS/PSDC/F004A – *Check-list: Review of a notification for supervision*. The scope of supervision is validated by the **supervision manager (Fr.: “responsable de surveillance”)**.

**Extension to new areas of supervision:** The extension of supervision of the ILNAS – Digital Trust Department to new areas is notified by the Form ILNAS/PSDC/F001A - *Notification for supervision of Digitisation or e-archiving service providers (PSDCs)*.

**Multi-Site organisations:** For the supervision of a multi-site PSDC organisation, the administration of the notification for supervision is described in Appendix ILNAS/PSDC/A013 – *Supervision of multi-site PSDCs*.

In case of need, the Digital Trust Department can ask additional documents not foreseen in the notification form, from the PSDC before to record the file.

### **Application to reduce, to voluntarily suspend or cancel supervision**

The PSDC may apply at any time for a reduction, a suspension or cancelling of its PSDC status by a letter sent to the ILNAS – Digital Trust Department and signed by a representative authorized to commit the PSDC. The list of PSDCs or the scope of supervision is then updated and the changes notified to the PSDC.

The suspension leads to the interdiction of the PSDC to refer to its status of supervised PSDC. Each voluntary suspension on which the PSDC hasn't done any follow-up within 18 months following the date of reception of the mail results in a withdrawal of the PSDC status.

### **Step 2: Registration**

ILNAS – Digital Trust Department allocates an identification number to each notification for supervision. This number is valid for the whole supervision and is used in all correspondence. The Digital Trust Department will transmit the number to the PSDC making the notification for supervision. The notification for supervision is validated by the **head of Digital Trust Department (Fr.: “chef du Département de la confiance numérique”)**.


The case manager opens Form ILNAS/PSDC/F018 – *History of a supervised PSDC* internally, which enables him to ensure good traceability of key factors during supervision. This record is reviewed by the supervision manager.

### **Step 3: Assessment & supervision conclusions**

The supervision shall ensure that the PSDC meets the applicable requirements laid down in the *Règlement grand-ducal modifié du 25 juillet 2015 portant exécution de l'article 4, paragraphe 1<sup>er</sup> de la loi du 25 juillet 2015 relative à l'archivage électronique* [3].

The following elements are notably reviewed during supervision:

- Accreditation and scope of the conformity assessment body;
- Certification and scope of the conformity assessment of the PSDC;

	<b>Digital Trust Process</b>	
	<b>ILNAS/PSDC/Pr001</b>	
Approved by : Alain Wahl	Version 4.7 – 24.06.2019	Page 6 of 9

- Knowledge of [2] and [3] by the assessors, who carried out the accreditation assessment;
- Knowledge of [2] and [3] by the assessors, who carried out the conformity assessment against [3];
- Coverage of the essential points of [3] in the conformity assessment report;
- If applicable, the removal of major nonconformities detected during conformity assessment.

### Decision on granting the PSDC status

The final decision on granting the PSDC status is taken by ILNAS.

After validation by the Director of ILNAS, the Digital Trust Department notifies the service provider of its decision and inserts the notifying service provider into the national List of PSDCs.

#### Note 1

In case of an ongoing supervision, if the applicable requirements are met by the PSDC, the status is validated in the national List of PSDCs. In case the applicable requirements are not met by the PSDC, the current status “Under Supervision” in the national List of PSDCs is changed to “Supervision revoked” until the proof of conformity is brought by the PSDC by a new notification. In case of a new supervision, only if the applicable requirements are met, the status “Under Supervision” is reached for the PSDC concerned.

#### Note 2:

A supervision review is initiated by the yearly expiration of the previous conformity assessment or upon notification of an event as specified in appendix ILNAS/PSDC/A005 – *Rights and responsibilities of PSDCs*. This requires the notification by the PSDC of the update of the notification information, including the report of a Full or Surveillance conformity assessment (Full Conformity Assessment every year and depending on the nature of the event notification, a Surveillance conformity assessment may be requested at any time, at own initiative of ILNAS – Digital Trust Department).

There shall be no larger period than six months for periodic surveillance of the PSDC by ILNAS – Digital Trust Department. The periodic supervision meetings are documented using form ILNAS/PSDC/F016 - *Compte rendu des réunions dans le cadre de la surveillance des PSDC*. The status of supervision is entered and updated in the List of PSDCs. A periodic supervision meeting may be replaced by members of the Digital Trust Department being present during a PSDC audit, in which way case it is not necessary to prepare meeting minutes using the form ILNAS/PSDC/F016.

#### Note 3:

When a major nonconformity is detected during the audit of a service provider that has already been granted the PSDC status, the Digital Trust Department will analyse whether the PSDC status will be withdrawn from the service provider **on a case-by-case basis**.

The PSDC status will be withdrawn from a service provider whenever it loses its PSDC certification.

<b>ILNAS</b>	<b>Digital Trust Process</b>	
	<b>ILNAS/PSDC/Pr001</b>	
Approved by : Alain Wahl	Version 4.7 – 24.06.2019	Page 7 of 9

## 7. Conformity assessment


Conformity assessment bodies need to respect a dedicated amount of auditor time to be spent on initial certification, surveillance and recertification for each PSDC. ILNAS – Digital Trust Department may be present during conformity assessments. “Auditor time” includes the time spent by an auditor or audit team in stage 1 audit (document review), stage 2 audit (on-site of the client organisation) and planning; interfacing with organization, personnel, records, documentation and process; and report writing. It is expected that the “Auditor time” involved in such planning and report writing combined should not typically reduce the total on-site “auditor time” to less than 70 % of the time shown in the auditor time charts. Where additional time is required for planning or report writing, this will not be justification for reducing on-site auditor time. Auditor travel time is not included in this calculation, and is additional to the Auditor time referenced in the charts.

### a. Initial PSDC conformity assessment audit time

ILNAS – Digital Trust Department will verify, in the scope of its supervision, if the auditor time chart below (cf. Table 1 - Auditor time chart) has been respected for audit planning.

Number of employees	ISO/IEC 27001 certified PSDC-D (Auditor days)	ISO/IEC 27001 certified PSDC-C (Auditor days)	ISO/IEC 27001 certified PSDC-DC (Auditor days)	Non ISO/IEC 27001 certified PSDC-D (Auditor days)	Non ISO/IEC 27001 certified PSDC-C (Auditor days)	Non ISO/IEC 27001 certified PSDC-DC (Auditor days)
01-10	1,5	1,5	2,5	6,5	6,5	7,5
11-25	2	2	3,5	9	9	10,5
26-45	2	2	4,5	10,5	10,5	13
46-65	2,5	2,5	5	12,5	12,5	15
66-85	3	3	5,5	14	14	16,5
86-125	3	3	6	15	15	18
126-175	3,5	3,5	6,5	16,5	16,5	19,5
176-275	3,5	3,5	7	17,5	17,5	21
276-425	4	4	7,5	19	19	22,5
426-625	4	4	8,5	20,5	20,5	25
626-875	4,5	4,5	9	22	22	26,5
876-1.175	4,5	4,5	9,5	23	23	28
1.176-1.550	5	5	10	24,5	24,5	29,5
1.551-2.025	5,5	5,5	10,5	26,5	26,5	31,5
2.026-2.675	5,5	5,5	11	27,5	27,5	33
2.676-3.450	6	6	11,5	29	29	34,5
3.451-4.350	6	6	12	30	30	36
4.351-5.450	6,5	6,5	12,5	31,5	31,5	37,5
5.451-6.800	6,5	6,5	13	32,5	32,5	39
6.801-8.500	7	7	13,5	34	34	40,5
8.501-10.700	7	7	14	35	35	42
>10.700	Follow progression above	Follow progression above	Follow progression above	Follow progression above	Follow progression above	Follow progression above

**Table 1 - Auditor time chart**

	<b>Digital Trust Process</b>	
	<b>ILNAS/PSDC/Pr001</b>	
Approved by : Alain Wahl	Version 4.7 – 24.06.2019	Page 8 of 9


### b. Surveillance PSDC conformity assessment audit time

Each year, a surveillance conformity assessment has to be performed. ILNAS – Digital Trust Department will verify, in the scope of its supervision, if the auditor time chart below (cf. Table 2 - Auditor time chart for surveillance) has been respected for audit planning.

Number of employees	ISO/IEC 27001 certified PSDC-D (Auditor days)	ISO/IEC 27001 certified PSDC-C (Auditor days)	ISO/IEC 27001 certified PSDC-DC (Auditor days)	Non ISO/IEC 27001 certified PSDC-D (Auditor days)	Non ISO/IEC 27001 certified PSDC-C (Auditor days)	Non ISO/IEC 27001 certified PSDC-DC (Auditor days)
01-10	0,5	0,5	1	2	2	2,5
11-25	0,5	0,5	1,5	3	3	4
26-45	1	1	1,5	4	4	4,5
46-65	1	1	2	4,5	4,5	5,5
66-85	1	1	2	4,5	4,5	5,5
86-125	1	1	2	5	5	6
126-175	1	1	2,5	5,5	5,5	7
176-275	1	1	2,5	5,5	5,5	7
276-425	1,5	1,5	2,5	6,5	6,5	7,5
426-625	1,5	1,5	3	7	7	8,5
626-875	1,5	1,5	3	7,5	7,5	9
876-1.175	1,5	1,5	3	7,5	7,5	9
1.176-1.550	1,5	1,5	3,5	8	8	10
1.551-2.025	2	2	3,5	9	9	10,5
2.026-2.675	2	2	4	9,5	9,5	11,5
2.676-3.450	2	2	4	9,5	9,5	11,5
3.451-4.350	2	2	4	10	10	12
4.351-5.450	2	2	4,5	10,5	10,5	13
5.451-6.800	2	2	4,5	10,5	10,5	13
6.801-8.500	2,5	2,5	4,5	11,5	11,5	13,5
8.501-10.700	2,5	2,5	5	12	12	14,5
>10.700	Follow progression above	Follow progression above	Follow progression above	Follow progression above	Follow progression above	Follow progression above

**Table 2 - Auditor time chart for surveillance**



	<b>Digital Trust Process</b>	
	<b>ILNAS/PSDC/Pr001</b>	
Approved by : Alain Wahl	Version 4.7 – 24.06.2019	Page 9 of 9

### c. PSDC conformity re-assessment audit time

After 3 years, a reassessment has to be performed. ILNAS – Digital Trust Department will verify, in the scope of its supervision, if the auditor time chart below (cf. Table 3 - Auditor time chart for reassessment) has been respected for audit planning.

Number of employees	ISO/IEC 27001 certified PSDC-D (Auditor days)	ISO/IEC 27001 certified PSDC-C (Auditor days)	ISO/IEC 27001 certified PSDC-DC (Auditor days)	Non ISO/IEC 27001 certified PSDC-D (Auditor days)	Non ISO/IEC 27001 certified PSDC-C (Auditor days)	Non ISO/IEC 27001 certified PSDC-DC (Auditor days)
01-10	1	1	2	4,5	4,5	5,5
11-25	1	1	2,5	5,5	5,5	7
26-45	1,5	1,5	3	7	7	8,5
46-65	1,5	1,5	3,5	8	8	10
66-85	2	2	4	9,5	9,5	11,5
86-125	2	2	4	10	10	12
126-175	2	2	4,5	10,5	10,5	13
176-275	2,5	2,5	5	12	12	14,5
276-425	2,5	2,5	5	12,5	12,5	15
426-625	3	3	5,5	14	14	16,5
626-875	3	3	6	14,5	14,5	17,5
876-1.175	3	3	6,5	15,5	15,5	19
1.176-1.550	3,5	3,5	6,5	16,5	16,5	19,5
1.551-2.025	3,5	3,5	7	17,5	17,5	21
2.026-2.675	3,5	3,5	7,5	18	18	22
2.676-3.450	4	4	8	19,5	19,5	23,5
3.451-4.350	4	4	8	20	20	24
4.351-5.450	4	4	8,5	20,5	20,5	25
5.451-6.800	4,5	4,5	9	22	22	26,5
6.801-8.500	4,5	4,5	9	22,5	22,5	27
8.501-10.700	4,5	4,5	9,5	23	23	28
>10.700	Follow progression above	Follow progression above	Follow progression above	Follow progression above	Follow progression above	Follow progression above

**Table 3 - Auditor time chart for reassessment**