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Where any security procedure has been applied to an electronic record at a specific point of time, then such record shall he deemed to be a secure electronic record from such point of time to the time of verification.

Section 15 - Secure electronic signature

1**['15. Secure electronic signature.--**

An electronic signature shall be deemed to be a secure electronic signature if--

(i) the signature creation data, at the time of affixing signature, was under the exclusive control of signatory and no other person; and

(ii) the signature creation data was stored and affixed in such exclusive manner as may be prescribed.

Explanation.-- In case of digital signature, the "signature creation data" means the private key of the subscriber.]

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1. Substituted vide Information Technology (Amendment) Act, 2008 Prior to substitution text read as under :-

If, by application of a security procedure agreed to by the parties concerned, it can be verified that a digital signature, at the time it was affixed, was--

(a) unique to the subscriber affixing it;

(b) capable of identifying such subscriber;

(c) created in a manner or using a means under the exclusive control of the subscriber and is linked to the electronic record to which it relates in such a manner that if the electronic record was altered the digital signature would be invalidated.

then such digital signature shall he deemed to be a secure digital signature.

Section 16 - Security procedure and Pratices

[1]**[16. Security procedures and practices.--**

The Central Government may, for the purposes of sections 14 and 15, prescribe the security procedures and practices:

Provided that in prescribing such security procedures and practices, the Central Government shall have regard to the commercial circumstances, nature of transactions and such other related factors as it may consider appropriate.'.]

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1. Substituted vide Information Technology (Amendment) Act, 2008 Prior to substitution text read as under :-

The Central Government shall, for the purposes of this Act, prescribe the security procedure having regard to commercial circumstances prevailing at the time when the procedure was used, including--

(a) the nature of the transaction;

(b) the level of sophistication of the parties with reference to their technological capacity;

(c) the volume of similar transactions engaged in by other parties;

(d) the availability of alternatives offered to but rejected by any party;

(e) the cost of alternative procedures; and

(f) the procedures in general use for similar types of transactions or communications.

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