

Do you know what a qualified electronic signature is?

The qualified electronic signature should not be confused with the concept of electronic signature, as this term refers to the technical method of identifying a person and indicates that such person approves the information in a data message or electronic document.

New regulations have introduced concepts such as electronic signature, qualified electronic signature, and digitized signature to the legal framework in Panama. Among these regulations, we find Law 51 of July 22, 2008, Law 82 of November 9, 2012, and Executive Decree 684 of October 18, 2013.

This article will focus on the concept of a qualified electronic signature, defined as an electronic signature whose validity is supported by a suitable electronic certificate that:

1. Allows to identify the signatory and detect any subsequent changes to the signed data;
2. It is uniquely linked to the signatory and to the data to which it refers;
3. It has been created using secure electronic signature creation devices, which the signatory keeps under his exclusive control; and
4. It has been created through the infrastructure of a certification service provider registered with the National Directorate of Electronic Signature.

The qualified electronic signature should not be confused with the concept of electronic signature, as this term refers to the technical method of identifying a person and indicates that such person approves the information in a data message or electronic document.

Nor should it be confused with the concept of digitized signature since it comprises the trace image of the handwritten signature. It is the result of the scan and therefore does not meet the requirements to be considered a qualified electronic signature.



A qualified electronic signature is essential since the law grants legal value and validity. In this connection, if a lawful provision requires that a signature related to a document or transaction be recognized or made under the severity of oath, that requirement will be satisfied in an electronic record if the grantor uses the qualified electronic signature. Consequently, the concept of qualified electronic signature has encouraged the modification of some provisions in the Civil and Judicial Codes. For example, in civil matters, for those acts and instruments submitted before Notaries, the use of qualified electronic signatures of the grantors, the witnesses, and the Notary is allowed. In judicial matters regarding evidence, the code further states that a private document is authentic when it is an electronic document containing the qualified electronic signature of the grantor.

The provisions mentioned above encourage the use of electronic signatures by individuals and the State. While new technologies help us shorten distances and reduce time, they must guarantee truthfulness, integrity, loyalty, or free will in transactions. The National Directorate of Electronic Signature of the Public Registry has been created for this purpose; it is the entity in charge of certifying, lending, and offering qualified electronic signatures for both the public and private sectors.

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