



## **SOG-IS Recognition Agreement Management Committee Policies and Procedures**

**Document ID:** JIL-TempCovPanPol

**Subject:** JIL Temporary Covid19 pandemic operational SOGIS evaluation and certification policy and rules

### **Introduction**

- 1 As of 2020 the present COVID-19-crisis with its related restrictions on travelling, rules on hygiene and rules on distancing between persons for defending the pandemic are interfering the established SOGIS practices of the operation in evaluation and certification business.
- 2 In order to support continuity of the business the following considerations and temporary rules have been agreed on for the operation of the parties involved. Beside the consideration of certification principles the rules comply aspects of:
  - ALC evaluation,
  - reusability of site audit results,
  - reusability of ETR-COMP,as well as some generic considerations for the ITSEF, the Certification Body and the developer organisation.
- 3 SOGIS-MRA members are aware that the rules defined gain certain lower assurance than in place normally. Nevertheless, SOGIS-MRA members accept this as a temporarily solution to support the parties involved in CC certification during the current COVID-19 crisis and to be able to continue business.

### **Applying members**

- 4 The rules defined are applicable to the Certification Schemes of Certificate Authorizing Participants of SOGIS-MRA as listed at [https://www.sogis.eu/uk/status\\_participant\\_en.html](https://www.sogis.eu/uk/status_participant_en.html).

## **Expiry of use**

- 5 The rules defined can be used temporarily only, limited to the end of June 2023 if not otherwise described below. In the case of a longer-lasting pandemic, the rules will be revised and extended if necessary.

## **Certification principles**

- 6 The Certification Bodies of the SOGIS-MRA Authorizing Participants will follow common principles for maintaining mutual recognition within SOGIS-MRA during the COVID-19-crisis and its related temporarily restrictions on safety and health care for personnel involved:
- 7 A certificate issued based on work affected by the COVID-19-crisis should represent a comparable level of quality and as much assurance as possible compared to before the outbreak.
- 8 Evidence required by CC/CEM and Supporting Documents to be applied under normal conditions shall still be provided (although possibly through adjusted procedures) and evaluated accordingly.
- 9 Procedures that are adjusted and the application of modified rules due to the COVID-19-crisis should be documented and at all times be kept up to date and communicated to people who are affected (e.g. in the Certification Report, STAR)
- 10 The following chapters outline aspects of procedures and rules the SOGIS-MRA authorizing members have specifically agreed on for temporarily use.

## **ALC evaluation aspects**

### *Verification of measures implemented*

- 11 Within the evaluation of the CC ALC assurance class the procedures and practices established and the measures implemented at the related developing and production sites need to be verified by the evaluator.
- 12 According to e.g. CEM ALC\_DVS.2-4 and other related work units as well as CEM Appendix A.4 the evaluator has to assess the related documentation and associated evidences and to verify the implemented measures by a site visit as a well established method. Currently, travel restriction can prohibit to do on-site

visits. The following rules applies only in the case that traveling is not possible due to a governmental decree. Other restrictions such as a quarantine period or company policies are not acceptable as a valid reason for the denial of a regular on-site audit.

- 13 Therefore, the following rules shall be established:
- 14 In the first place, a site visit that is planned to be done in the course of a specific evaluation procedure shall if possible be postponed to the latest possible date within the scheduled evaluation procedure assuming that there is a certain chance that travel restriction are being relaxed until this later point in time. This item might be more applicable for on-site audits as part of a product evaluation than an audit for a site certificate.
- 15 In case an on-site visit is not possible within the timeframe of a product or site evaluation scheduled the evaluator shall do, after consultation with the responsible certification body, a document based ALC evaluation as defined by the CC/CEM/JIL requirements. To gain some assurance that measures are implemented on site so far, the evaluator shall request “alternative evidences” or remote controls supported and provided by the responsible operator of the site. Such “alternative evidences” could be, but are not limited to: process evidences confirming that a process step defined has been performed, photo and video material generated by a responsible person on site possibly with date/time/location attached, interviews of the evaluator by phone or video conference with specific persons on-site responsible for certain aspects, etc. Confidentiality requirements have to be fulfilled adequately when using online interaction with audio and or video means.

In beforehand the evaluator and certifier agree on the kind and amount of “alternative evidences” sensible and applicable to be considered.

Such audit is called a “virtual audit”. The evaluation report, the related certification report and if provided the STAR (Site Technical Audit Report according to related JIL requirements) shall state if such specific audit has been performed and the date of the “virtual audit”, typically the date of delivery of the “alternative evidences”.

A document based site evaluation with “virtual audit” can be performed for a ALC site re-evaluation as well as for a new site to be considered.

For a re-evaluation an IAR outlines the changes at the site and updated documentation needs to be provided as usual. It is recommended that, if possible, the evaluator is the same person as for the initial site audit assuming that he remembers the site and the persons on-site involved and thus he can more easily judge on the measures implemented.

For an initial site evaluation the related documentation needs to be provided and evaluated in detail. The “virtual audit” part shall comprise a more intense interaction between evaluator and site personnel than for a re-evaluation.

### *Validity and reuse*

- 16 The SOGIS JIWG decision from January 2020 has extended the reusability of audit results. It states that a site audit result of an evaluators on-site audit documented by a STAR and confirmed by a certification statement can be reused in a product evaluation at the point in time of the product ETR approval date if the initial audit is not older than 30 months at that point in time. This extension of the reuse timeframe helps in many cases in the current pandemic situation until travel restriction are assumed to be relaxed.
- 17 A document based site evaluation with “virtual audit” performed as defined above provides less assurance than the on-site audit of the evaluator. Therefore, the “virtual audit” can be reused within a product evaluation for a maximum of 18 months counted from the date of the “virtual audit” as stated in the certification report or STAR to the approval date of the product evaluation ETR. The reduced reuse time frame from 30 months for a regular audit to 18 months gathered by a “virtual audit” reflects the lower warranty on assurance causing an increased risk for the reusing party. A virtual audit can be reused up to 24 months in the case that it is a re-audit of a physical audit by the same ITSEF and with no or minor change of the scope of the physical audit and of the implemented processes.

Despite from the 18 / 24 months mentioned, a “virtual audit” should be replaced by a regular on-site audit as soon as the restrictions of the pandemic situation and scheduling of the parties involved allows for. The maximum validity of all virtual audits in total is 72 months after the last regular on-site audit (or 42 months after the first virtual audit if no regular on-site audit ever took place).

### **Reuse of ETR-for-Composition**

- 18 The reuse time frame for an ETR-for-Composition is defined in the SOGIS JIL Document “Composite product evaluation for Smart Cards and similar devices”. Chapter 6, [R42] with “not more than one and a half year”. As the pandemic situation is already ongoing since March 2020, it is expected that ITSEFs have reorganised their business adequately in order to start and to perform the AVA assessment and penetration testing required for an ETR-for-Composition early enough to fulfil the composite evaluation project needs.
- 19 In exceptional cases, e.g. when testing personnel is ad hoc not available due to the pandemic situation, a delay in providing an ETR-for-Composition document expected to be used in a composite evaluation may occur. With confirmation of this delay by the Platform Certification Body, the Composite Certification Body can extend the acceptance of the existing old version of the ETR-for-Composition from 18 up to 24 months. A composite Certification Body making use of such extension

may ask the platform Certification Body for a partial update of the ETR-for-Composition, if already available.

### **ITSEF organisation**

- 20 The security measures in the working environment of an evaluator are established in order to protect the developers and ITSEF IP and to not-jeopardize the AVA rating. The accreditation and licensing requirements of the scheme apply according to the MRA.
- 21 Nevertheless, the current national regulations in place caused by the pandemic situation need to be followed. Therefore, the Certification Body may allow the ITSEF to temporary deviate from the standard rules such as if working from a non audited environment is needed. The allowance is accompanied by adequate technical and organisational measures for physical and logical security to be followed as defined by the responsible Certification Body having the confidentiality claims on evidences and evaluation results in mind. The sponsor of an evaluation should be informed and agree as e.g. a NDA in place could be affected.

### **Certification Body organisation**

- 22 The security measures in the working environment of a certifier are established in order to protect the developers and ITSEF IP and to not-jeopardize the AVA rating. The requirements of the MRA apply.
- 23 Nevertheless, the current national regulations in place caused by the pandemic situation need to be followed. Therefore, the Certification Body may temporary deviate from its standard rules but applying adequate technical and organisational measures for physical and logical security having the confidentiality claims on evidences and evaluation results in mind.

### **Developer organisation**

- 24 The developer's concept for protecting the development and production environment and the claims on confidentiality and integrity are essential for the rating of AVA aspects in an evaluation. Such concept is part of the evaluation in ALC class. A document like the JIL MSSR document as published on the SOGIS website includes a lot of aspects to be considered.

- 25 Nevertheless, the current national regulations in place caused by the pandemic situation need to be followed. Related modifications in developer's security procedures and measures have to be taken into account by the evaluation.