



Regulation

ON INFORMATION SECURITY AND FUNCTIONALITY OF E-MAIL SERVICES

Issued in Helsinki on 18 September 2008

The Finnish Communications Regulatory Authority (FICORA) has, under sections 19 and 20 of the Act on the Protection of Privacy in Electronic Communications of 16 June 2004 (516/2004) and section 129 of the Communications Market Act of 23 May 2003 (393/2003), prescribed as follows:

Section 1 Scope of application

This Regulation applies to the production of e-mail services provided in public communications networks and systems, communications networks and services used by an e-mail service provider for this purpose.

Sections 5 and 6 of this Regulation do not apply to e-mail relay services. In addition, section 4 of the regulation does not apply to secondary e-mail relay services.

Section 2 Definitions

In this Regulation, "e-mail service" means submission, transfer and delivery service of e-mail messages.

In this Regulation, "e-mail relay service" means service provided by an e-mail service provider for the purpose of transferring or redirecting messages via its e-mail servers.

In this Regulation, "open mail relay" means message transmission system a third party may unlawfully use for transferring electronic mail messages.

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In this Regulation, "malicious e-mail traffic" means e-mail traffic that may endanger the functioning of an e-mail service or may, in essence, weaken the usability of an e-mail service.

In this Regulation, "protected connection" means connection where the user of the electronic mail service is identified and traffic is encrypted.

In this Regulation, "filtering" means prevention of submission, transfer or delivery of e-mail messages, removal of malware endangering information security from messages, or other similar technical measures.

Section 3

Open relays for e-mail

An e-mail service provider must ensure that the e-mail systems under its administration do not function as open mail relays.

Section 4

Handling of incoming e-mail traffic

An e-mail service provider must have up-to-date and reliable mechanisms in order to identify the sources of incoming malicious e-mail traffic and determine maliciousness in e-mail traffic. An e-mail service provider must ensure that the identification mechanisms it uses compromise the customers' communication possibilities as little as possible.

An e-mail service provider must mark or filter the e-mail traffic it identifies as malicious from the incoming e-mail traffic unless otherwise agreed with the customer. E-mail traffic that is identified as malicious and endangers the functionality of the systems used for producing an e-mail service must always be filtered.

An e-mail service provider must describe the general principles of filtering incoming e-mail traffic to customers.

Section 5

Handling of outgoing e-mail traffic

An e-mail service provider must have up-to-date and reliable mechanisms for identifying malicious outgoing e-mail traffic.

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An e-mail service provider must filter such e-mail traffic that it has identified as malicious from outgoing e-mail traffic.

An e-mail service provider must describe the general principles of filtering outgoing e-mail traffic to customers.

Section 6

Connection between customer and e-mail server

An e-mail service provider must provide, as the primary alternative, the customers with a protected connection between the customer and an e-mail box, and the customer and outgoing e-mail server. The obligation also applies to other than web-based e-mail services.

The customer connections of web-based e-mail services must be protected.

Section 7

Monitoring of functionality and quality of e-mail services

An e-mail service provider must continuously monitor the quality and reliability of the general operations related to an e-mail service.

An e-mail service provider must have the appropriate mechanisms for detecting major problems affecting the functionality of an e-mail service and for reacting to them. An e-mail service provider with over 10,000 customers must have the mechanisms in use around the clock.

An e-mail service provider must continuously monitor the quality and reliability of its operations related to the production of public e-mail service. An e-mail service provider must monitor and compile statistics at least of the following:

- the volume of e-mail traffic identified, marked and filtered as malicious
- the volume of e-mail traffic submitted and delivered
- the network load of an e-mail service
- customer volume

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Section 8

Management of e-mail addresses

An e-mail service provider must determine and describe the practices regarding the management of e-mail addresses to customers.

An e-mail service provider must not transfer an e-mail address a customer has relinquished to another customer until three months has passed since the e-mail address has become vacant.

An e-mail service provider must have an operations model for managing problem situations related to misleading e-mail addresses.

Section 9

Contact details of an e-mail address provider

An e-mail service provider must ensure that its domain names and those used for providing e-mail services have postmaster and abuse addresses whose incoming messages are regularly monitored.

Section 10

Transitional provisions and entry into force

This Regulation enters into force on 1 November 2008. An e-mail service provider must offer their customers a protected connection referred to in section 6 by 1 March 2009.

The Regulation will remain in force until further notice. The regulation repeals FICORA's regulation FICORA 11/2004 M of 27 August 2004 on the information security and functionality of e-mail services.

Section 11

Information and publication

This Regulation is included in the Series of Regulations issued by the Finnish Communications Regulatory Authority and it can be obtained from the FICORA Customer Service Office:

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