

From : board Oophaga foundation
To : board CAcert
Date : 28 December 2009
Subject: continuation of support

Dear CAcert Board,

Oophaga Foundation has supported CAcert in the past years, in line with Oophaga's mission to stimulate the free use and open-source development of digital certificates for secure communications. Oophaga considers CAcert a relevant and important initiative to stimulate free certificates, and has therefore provided free or low-cost support and hosting arrangements and hardware use for CAcert critical and non-critical services. This support by Oophaga, like the donations to Oophaga Foundation from sponsors that form the basis of our support, have been based on the assumption that CAcert would be making a major impact by having included its root certificate in key software, such as Mozilla, in the course of 2009, or by early 2010 at the latest.

In the course of the past year, developments within CAcert have caused some concern with the board of Oophaga Foundation with respect to the long-term impact and viability of CAcert. Please do correct us if we are mistaken in some respect, but having observed CAcert from a distance, we have gained the impression that there is a lack of progress in two key areas:

1. notification of the processing of personal data to the relevant Data Protection Authority, as required by the European Data Protection Directive and the Dutch Data Protection Act;
2. an independent audit of CAcert, which is a prerequisite for root-certificate inclusion.

Moreover, we are concerned, as a consequence of the lack of progress in these areas, about the long-term financial stability of CAcert and about the prospects of seeing CAcert's root certificate included in key browsers and operating systems in the foreseeable future. The goal to get the root certificate included seems substantially delayed without any reliable date of completion. There also seems to be some discontinuity of certain services, e.g., time-stamping and code-signing, as well as delay in improvements in organisational assurances.

Oophaga Foundation is committed to supporting CAcert throughout 2010. However, for continuation of our support, including the renewal of hardware and support contracts, beyond 2010, we would like to be reassured that substantial progress is soon made in the areas mentioned, so that we can remain convinced that CAcert has the capacity to be a relevant and important actor in the field of free certificates.

We therefore request you to update us on the progress CAcert is making in the areas indicated. In particular, we kindly request you to provide us with a sufficiently detailed action plan that shows how CAcert will:

1. notify the DPA of CAcert's data processing, which we expect – given the preparatory work already done – to be feasible by 1 April 2010;
2. have a successful independent audit, which we expect to be feasible by mid-2010;
3. request inclusion of its root certificate in key software, with an indication of the prospects of success of these requests;
4. plan to acquire financial stability and a steady income stream in the coming years.

Some suggestions from our part that we thought could help you in an action plan on these issues are to consider co-signing by a third party already included in browsers and operating systems, to extend the membership base, and to request a fee for non-basic services. These are just free suggestions, without obligation on your part. We are simply interested in hearing your ideas and plans on making progress in key areas in the coming period. An action plan as requested will also be useful for us to try and obtain support from new sponsors for hardware and if needed a second data centre for critical systems.

We kindly request you to provide us with an action plan as indicated by 15 February 2010 at the latest. If there are reasons why this date should not be feasible for you, please let us know, and inform us of a date by which you can provide us with an action plan.

We are confident that you can reassure us that CAcert is going to make substantial progress in its operations, and look forward with great interest to hearing from you.

On behalf of the Board of Oophaga Foundation,
with kind regards,

Prof. Bert-Jaap Koops
Chairman

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