



# COUNTY OF ALAMEDA

## ELECTRONIC SIGNATURE USE POLICY

### A. Purpose

The Countywide eSignature Policy shall be used by Alameda County Agencies and Departments to increase productivity and ensure convenient, timely and appropriate access to County information by using electronic signature technology to collect and preserve signatures on documents quickly, securely, and efficiently. In addition to increasing productivity and efficiency, this Policy furthers the County's Climate Initiative goals by reducing the consumption and storage of paper documents and the maintenance and supply of printers.

This Policy establishes when electronic signature technology may replace a hand-written signature, with the goal of encouraging the use of paperless, electronic documents whenever appropriate and allowed by law. This Policy applies to all signatures used in processing various County documents and assumes the County signer has been given the authority to sign as determined by Agency/Department business process.

While the use of electronic signatures is suggested and encouraged, this Policy does not require any Agency/Department to use electronic signatures, nor can the County mandate that any third party signing a document use electronic signature.

### B. Background/Discussion

Electronic Signature is the broad umbrella category under which all electronic signatures fall.

The legality and use of Electronic Signatures are governed by federal and state law. (See 15 U.S.C. §§ 7001, *et seq.* [U.S. Federal Electronic Signatures in Global and National Commerce Act]; California Government Code §16.5; California Civil Code §§ 1633.1, *et seq.*)

In 2012, the Alameda County Board of Supervisors passed Resolution 2012-368 adopting *THE ALAMEDA COUNTY PRINCIPLES FOR CLIMATE ACTION*. The following directives were contained in the resolution:

- ...agencies shall collaboratively develop solutions such as e-signatures to remove barriers to electronic records.
- ...agencies are directed to examine their paper based processes with the goal of moving them online, so that all new business processes should use electronic documents, workflow, and online reporting.



## COUNTY OF ALAMEDA

### ELECTRONIC SIGNATURE USE POLICY

#### C. Intended Goals for eSignature

- **Security and Legal Compliance:** The use of e-forms and e-signature provides a secure method of signing and transferring documents electronically. A document cannot be altered after the signer has completed the e-signature. Additionally, a history of any changes made to the document prior to the signature is kept with the document and cannot be changed or deleted. When electronic signatures are used, hash values are attached to the document to verify the authenticity of a document during any transfer for added security.
- **Integration into business processes:** The eSignature process may fit into pre-existing business practices, provide automated processes, retrieve documents, use standard Application Program Interfaces (API), generate reminders and expiration settings, and allow multiple people to view a document and track its progress.
- **Simplified workflow:** E-signatures eliminate resource-intensive processes that require agencies, the public, and staff to manually sign documents. Features of the e-signature process include automation of simple forms, ability to track and review changes, vary the recipient roles, tag signatures, etc.
- **Cost benefits:** There is a potential cost-savings from not having to print, file, scan, and store paper copies. The County will save also on certified mail, postage, printing, ink, envelopes, and paper.

#### D. Policy

This Policy applies to documents requiring a signature of any person where the signature is intended to show authorship, approval, authorization, or certification, as allowed by law. It is the Policy of the County to encourage the use of electronic signatures in all internal and external activities, documents, and transactions where it is operationally feasible to do so, where existing technology permits, and where it is otherwise appropriate based on the Department's preferences. In such situations, affixing an electronic signature to the document in a manner consistent with this Policy shall satisfy the County's requirements for signing a document. As used in this Policy, the term "signature" includes using initials on a document instead of a signature.

#### E. Agency/Department Discretion

Each Department has discretion to decide whether to permit the use of electronic signatures. Departments should work with County Counsel to determine where applicable laws permit an electronic signature to be used. In addition, each Agency/Department that opts to use electronic signatures must adopt/amend their business practices to support the requirements of this Policy.



## COUNTY OF ALAMEDA ELECTRONIC SIGNATURE USE POLICY

### F. Requirements of eSignature

The use of electronic signatures is permitted and shall have the same force and effect as the use of a “wet” or manual signature if all the following criteria are met:

1. The electronic signature is unique to the person using it.
2. The electronic signature is capable of verification.
3. The electronic signature is under the sole control of the person using it.
  - a) Email notifications requesting electronic signatures must not be forwarded.
  - b) These requirements prohibit the use of proxy signatures.
4. The electronic signature is linked to the data in such a manner that if the data is changed after the electronic signature is affixed, the electronic signature is invalidated.

### G. Common Types of Documents

This Policy is intended to broadly permit the use of electronic signatures. Examples of common types of documents are listed in the following table, with notes on each type of document. Agencies/Departments should work with County Counsel to determine where applicable laws permit an electronic signature to be used.

Document Type Examples	Is Use of an Electronic Signature Acceptable?	Notes
Memos, Forms, Board Letters, and Other Correspondence	Yes	Electronic Signature is recommended.
Contracts	Yes	Electronic Signature is recommended.
Certificates, Permits	Yes, if allowed by law	Departments should work with County Counsel to determine where applicable laws permit an electronic signature to be used.
Documents Requiring Notarization	No	
Document Requiring the Board President’s Signature	No	



## COUNTY OF ALAMEDA

# ELECTRONIC SIGNATURE USE POLICY

### H. Documents Involving Other Parties

In the case of contracts or transactions which must be signed by outside parties, each party to the agreement must agree in advance to the use of an electronic signature. No party to a contract or other document may be forced to accept an electronic signature; they must be permitted to decide either way. Such consent may be withdrawn by the other party at any time such that future documents must be signed in hardcopy format.

When a document is electronically signed by all parties, the County will provide a copy of the electronically-signed document to the other parties in an electronic format that is capable of being retained and printed by the other parties.

### I. Setup & Use

To setup employees authorized to send out documents for eSignature, Agency/Department Security Administrators should contact their Information Technology Manager in ITD.

All County users of electronic signature technology shall conform to the rules set forth in the *County of Alameda Appropriate Use of Telecommunications and Information Technology Systems Policy*.

### J. Storage and Archiving of Electronically-Signed Documents

If a document exists only electronically, steps should be taken by each Agency/Department to ensure that a fixed version of the final document is stored in some manner. It is up to the Department to decide how to store these final electronic documents so long as it does so in a manner consistent with any applicable County document retention policies and any applicable laws.

### K. eSignature Solution Providers

The Alameda County Information Technology Department will be responsible to determine acceptable technologies and eSignature providers consistent with current state legal requirements and industry best practices to ensure the security and integrity of the data and the signature.

In June 2014, the Information Technology Department entered into an agreement with **DocuSign®** to provide electronic signature capabilities and services to Alameda County. DocuSign® is on the *Approved List of Digital Signature Certification Authorities* certified by the California Secretary of State for use by public entities.

### L. Conclusion

The use of e-Signature is intended to make Alameda County business practices more efficient. The process eliminates the need to print, file, and store paper copies of documents that can now be authenticated digitally and stored electronically.



## COUNTY OF ALAMEDA

# ELECTRONIC SIGNATURE USE POLICY

### M. Definitions

**Application Program Interface (API)** is a set of clearly defined methods of communication between various software components. API's allow applications to interact with each other, allowing integration of one system with another.

**Digital Signature** is a specific signature technology implementation of electronic signature that uses cryptography to provide additional proof of the identity of a signer and integrity of a document. This cryptography uses Public Key Infrastructure (PKI) technology to issue digital certificates. PKI technology is accepted by the California Secretary of State for digital signatures created by a public entity.

**Electronic** relates to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

**Electronic Record** is a record created, generated, sent, communicated, received, or stored by electronic means.

**Electronic Signature, or eSignature**, means an electronic identifier, created by computer, attached or affixed to or logically associated with an electronic record, executed or adopted by a person with the intention of using it to have the same force and effect as the use of a manual signature.

**Electronic Transaction** is a transaction conducted or performed, in whole or in part, by electronic means or electronic records.

**eSignature Product** means a software or service that provides a means of affixing an Electronic Signature to an electronic record.

**Hash Value** is a unique numerical identifier that can be assigned to a file, a group of files, or a portion of a file, based on a standard mathematical algorithm applied to the characteristics of the data set. The numerical identifier is so distinctive that the chance that any two files will have the same hash value, no matter how similar they appear, is less than one in one billion. 'Hashing' is used to guarantee the authenticity of an original file.

**Permitted Transactions and Notices** means electronic transactions and notices for which the use of Electronic Signatures is not prohibited under applicable law.

**Proxy Signatures** are when Person-A authorizes Person-B to sign Person-A's signature on his/her behalf. (This is prohibited for eSignatures by this policy.)

**Record** is information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form. Documents or forms are records.