

CORPORATE POLICY



Policy Title: **Use and Acceptance of Electronic Signatures**
Policy Category: **Administration Policy**
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Department: Corporate Services
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Attachments:
Related Documents/Legislation:
Email Records Management Policy
Information Security Policy
Records Management Policy
Retention By-Law
Electronic Commerce Act, 2000, SO 2000, c. 17
CAN/CGSB-72.34-2017 Electronic Records as Documentary Evidence (The National Standard of Canada)
Key Word(s): electronic record, e-signature, electronic signature, electronic transaction, record, wet signature

POLICY STATEMENT:

It is the policy of the City to use and accept electronic signatures with the same force and effect as the wet signature, wherever appropriate, unless specifically provided otherwise by applicable legislation or the City's policies and procedures. Appropriate uses will be determined in accordance with the Policy and include the City's internal and external processes, as well as acceptance of externally generated records which have been electronically signed.

PURPOSE:

This Policy is designed to:

- increase productivity and efficiency of processes, as well as work flexibility;
- adopt environmentally-friendly workflows;
- improve customer experience;
- ensure the convenient and timely collection, dissemination and preservation of information and

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- ensure that electronic signatures are used in ways that establish the necessary legal sufficiency.

DEFINITIONS:**Electronic record**

a record created, generated, sent, communicated, received, or stored by electronic means.

Electronic signature electronic information that a person creates or adopts in order to sign the document and that is in, attached to or associated with the document.

Electronic signature method

any form of an electronic representation of a person's signature that can be linked or attached to an electronic document or transaction (e.g., signature block in an email, scanned hand-written signature, recorded voice command, user authentication to an internal application to approve a transaction, asymmetric cryptography based electronic signature, etc.).

Person

an individual or a business, government or other entity participating in an electronic transaction with the City.

Record

information created, received and maintained as evidence and information in the transaction of business or the pursuance of legal obligations.

Vital records

records containing vital information for the City to continue its key functions and activities in case of an emergency/disaster.

Wet (manual) signature

signature made on the physical document using physical means, for example, ink signature by hand.

SCOPE:

This policy applies to all City employees, members of council, contractors and volunteers engaging in internal and external transactions involving signatures, which they conduct or in which they participate representing the City. It also applies to members of the public, consultants, vendors, and other persons, when they engage in electronic transactions with the City. This Policy applies only to transactions between the City and the other person(s), each of which has agreed to conduct transactions by electronic means, as well as internal electronic processes, where the electronic signature is used.

POLICY COMMUNICATION:

This policy will be made available to staff through the City's website, intranet and training session with staff members coordinating or participating in electronic transactions requiring the electronic signature.

POLICY:**1. Recognition of Electronic Signatures and Exceptions**

The City recognizes that electronic signatures are not to be denied legal effects, validity, or enforceability merely because they are in the electronic form. At the same time, this Policy does not affect the City's ability to conduct transactions using wet signatures.

The City will not allow for the use and acceptance of an electronic signature, where the applicable legislation or City's policies prescribes the use of a wet signature.

2. Consent

Use of an electronic signature will only be with the consent of all parties (including consent of the City, in accordance with this Policy and applicable procedures). The City will not require other persons to use an electronic signature without their consent. Where a wet signature is requested, the City will consent to its use.

3. Method

This Policy does not mandate any specific electronic signature software, so long as the application adopted meets the requirements outlined in this Policy and related policies and procedures. Any electronic signature software must undergo a review by Legislative Services, Legal Services and Information Management and Technology Services before it is adopted by the City.

The method of the electronic signature used in a transaction will be determined based on:

- the reason for or context of the signature;
- risks associated with the particular type of transaction and the electronic record it is documented by;
- legal requirements (including integrity and reliability);
- retention requirements of the electronic record being signed; and
- the ability of the method to validate the electronic signature throughout the retention period of the electronic record containing the electronic signature.

The City shall not accept an electronic signing transaction if the method used by the other person does not meet the requirements outlined in this Policy and the related City

procedures. Legislative Services, after consulting with Legal Service and Information Management and Technology Services, will establish whether the software meets these requirements.

4. Minimum Functional Requirements

In order for a technology or process to be accepted for the purposes of the electronic signature, it must meet the following minimum requirements:

- The electronic signature must be executed or adopted by the signer with an intent to sign.
- The electronic signature must be unique to the signer.
- The use of the technology or process adopted by the signer to incorporate, attach or associate the electronic signature to an electronic document is under the sole control of the signer.
- The technology or process can be used to identify the signer.
- The electronic signature must be linked to an electronic document in such a way that it can be determined whether the electronic document has been changed since the electronic signature was incorporated in, attached to or associated with the electronic document.
- The continuing integrity of the electronic record, and its association or linkage to its electronic signature, and any associated data must be maintained, following the completion of the signing process.
- The electronic record with the electronic signature incorporated in, attached to or associated with it must be capable of being received, accessed and retained by the City and any person who is entitled to have access to the document that was originally created, sent or received, or who is authorized to require its production.
- The technology or process used must be able to include various supporting information (e.g., date and time associated with the signing transaction, origin, destination, etc.)

5. Recordkeeping requirements

Electronic records with the electronic signature incorporated in, attached to or associated with them shall be retained and disposed of in accordance with the City's Retention By-Law.

Where records containing electronic signatures are deemed vital, e.g., contracts and agreements and City's by-laws, they must be duplicated in the physical format (paper) to ensure business continuity and operations in case of an emergency.

6. Rules and Procedures

The City will create rules and procedures which:

- Identify specific record types that can be signed electronically;
- Identify specific record types that will not be signed electronically;
- Identify electronic methods by which specific electronic record types may be signed;
- Identify the manner in which electronic records with an electronic signature incorporated in, attached to or associated with them must be created, internally shared, sent, received, and retained by the City;
- Determine varying methods of achieving consent;
- Determine specific technical requirements for electronic signature methods and technologies (which address and may accede any requirements set out by applicable law); and
- Establish other processes the City will follow to implement this Policy.

7. Roles and Responsibilities

The Legislative Services Division shall maintain the primary responsibility for coordinating the implementation and maintenance of this Policy, as well as ensuring compliance with its requirements.

All employees, volunteers and Members of Council shall comply with this Policy when participating in or coordinating City electronic transactions.

Directors, after consultation with the City Solicitor and the City Clerk, if necessary, will make a decision in their division on using and accepting the electronic signature in a specific transaction.

COMPLIANCE:

In cases of policy violation, the City may investigate and determine appropriate corrective action.