

# Information Technology Policy

## *Electronic Signatures Reference Guide*

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RFD-SEC006A

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July 1, 2016

**Category**

Security

**Supersedes**

None

**Contact**

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### 1. Purpose

To provide general additional guidance on the usage of electronic signatures.

### 2. Guidance

#### What is an electronic signature?

- The purpose of an electronic signature is the same as your handwritten signature. Instead of using pen and paper, an electronic signature uses digital technology.
- It is a person's electronic expression of his or her agreement to the terms of a particular document. It's basically a way to ensure that an electronic document is *authentic*.
- Like the pen and paper method, an electronic signature attaches the identity of the signer to the document and records a binding commitment to the document.
- Electronic signatures are different from *digital* signatures. Digital signatures typically are in reference to a method of cryptography. While both terms may be used interchangeably, it is recommended to use the term *electronic signature* when referring to a user's signature to authentic a document.
- Electronic signatures are not part of the substance of a transaction, rather a representation of it.
- Electronic signatures serve four general purposes:
  - Evidence: A Signature authenticates a writing by identifying the signer with the signed document. When the signer makes a mark in a distinctive manner, the writing becomes attributable to the signer.
  - Ceremony: The act of signing a document calls to the signer's attention the legal significance of the signer's act, and thereby helps prevent "inconsiderate" engagements.
  - Approval: In certain contexts, defined by law or custom, a Signature expresses the signer's approval or authorization of the writing, or the signer's intention that it is to have legal effect.

- Efficiency and logistics: A Signature on a written document often imparts a sense of clarity and finality to the transaction and may lessen the subsequent need to inquire beyond the face of a document. Negotiable instruments, for example, rely upon formal requirements, including a Signature, for their ability to change hands with ease, rapidity, and minimal interruption.

### **Are electronic signatures legal?**

Yes, they are valid and legal in the United States, Canada, the European Union, the UK, and many other areas of the world. NOTE: The states of Illinois and New York have not enacted the Uniform Electronic Transactions Act (UETA) but have independent laws recognizing electronic signatures.

### **What are the benefits of using electronic signatures?**

There are many benefits to using an electronic signature. Examples:

- Get documents signed fast.
  - Draw signature using your computer mouse or touchpad.
  - Take a photo of your signature using a mobile device.
  - Sign using a mobile device.
- Portability, sign documents from anywhere without the need of paper.
- Collect secure / legally binding signatures.

### **What are electronic signatures used for?**

Electronic signatures are used on every sort of document you can imagine. Examples:

- NDAs, timesheets, and employee onboarding paperwork.
- Sales contracts, invoices, and approved proposals.
- Fill out and sign leases and other legal agreements.
- Electronically sign tax documents, bank forms, and insurance paperwork.
- Fill out and sign permission slips, school forms, and releases.

### **What are some examples used today at state agencies?**

- Check box/submit button (Employee Self Service).
- Digitized Signatures (Credit card transactions above a certain value).
- Voice record (TeleFile).
- Shared information (Tax return - What is your PIN / what was entry on line x of last year's return).

### **OK, I want to use electronic signatures. How do I get started?**

ITP-SEC006 outlines the requirements. There are several considerations in determining the right method:

- What is the value of the transaction?
- What is the risk/impact involved?

The table below provides a breakdown of the levels; the associated risk and impact of the transaction. Additional information regarding Transaction security levels can also be found in OPD-SEC006B *Transaction Security Levels and Levels of Assurance for Electronic Signatures*.

Levels	Electronic Signature Examples	Examples of Transactions using Electronic Signature based on Risk and Impact Level
<b>Level A</b> Low Risk Low Impact Transactions	<ul style="list-style-type: none"> <li>• Name typed at the end of an email</li> <li>• "I Agree" button on a web page</li> <li>• Digitized image of a signature (signature scanned from an original written signature)</li> </ul>	<ul style="list-style-type: none"> <li>• Non-sensitive e-mail correspondence</li> <li>• Letter providing general information to citizens or business partners</li> <li>• Acknowledgement that you read and agree with the information presented</li> </ul>
<b>Level B</b> Low to Medium Risk Medium to High Impact Transactions	<ul style="list-style-type: none"> <li>• User ID and password (with SSL)</li> <li>• User ID and PIN</li> </ul>	<ul style="list-style-type: none"> <li>• Online credit card payments</li> <li>• Sensitive e-mail correspondence</li> <li>• Online procurements</li> <li>• An agency provides PIN numbers to citizens to authenticate their identity for online tax filing. When combined with SSL this provides sufficient authentication</li> </ul>
<b>Level C</b> High Risk High Impact Transactions	<ul style="list-style-type: none"> <li>• Digital Certificate</li> <li>• Biometrics</li> </ul>	<ul style="list-style-type: none"> <li>• JNET/Criminal Justice</li> <li>• Online Medical Records Transmission</li> </ul>

**OK, I found the best electronic signature method. What technology can I use?**

- There are a multitude of vendors who provide electronic signature technology in the marketplace. Picking the right solution is a matter of choice based upon your particular electronic signature needs, budget, and business requirements.
- There is no product standard restriction for electronic signature technology. As long as a solution you want to use meets the basic functional and business requirements and is supported by a vendor on state contract, you are free to use the technology of your choice.

**Do I need an IT policy waiver?**

- No, an IT policy waiver is not required to take advantage of using electronic signatures.

**OK. What if I am confused or need help picking the best method for my particular needs?**

- Contact your agency IT office and agency Information Security Officer (ISO) for assistance.

This chart contains a history of this publication's revisions.

<b>Version</b>	<b>Date</b>	<b>Purpose of Revision</b>
Original	6/1/2016	Base Document
Revision	9/7/2006	Policy Refresh
Revision	06/09/22	Policy Refresh Added electronic signature representation and purpose information and transaction table from ITP.