

Information Technology Policy

Electronic Signatures Reference Guide

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Category

Security

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None

Contact

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1. Purpose

This reference document provides additional general 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 their agreement to the terms of a particular document. 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 an attestation of it.

Electronic signatures serve four general purposes:

1. *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.
2. *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.
3. *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.

4. ***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: New York has not enacted the Uniform Electronic Transactions Act (UETA) but has independent laws making electronic signatures legally enforceable.

What are the benefits of using electronic signatures?

Below are a few key benefits that can be found by utilizing electronic signatures:

- Fast and efficient signing of documents.
 - Draw signature using your computer mouse or touchpad.
 - Take a photo of your signature using a mobile device.
 - Sign using a mobile device.
- Portability – ability to sign documents from anywhere without the need of paper.
- Collection of secure and legally binding signatures.

What are electronic signatures used for?

Electronic signatures can be utilized in a multitude of situations. Below are some examples of forms or documents in which utilizing an electronic signature can make the overall process more efficient:

- NDAs, timesheets, and employee onboarding paperwork.
- Sales contracts, invoices, and approved proposals.
- Leases and other legal agreements.
- Tax documents, bank forms, and insurance paperwork.
- Permission slips, school forms, and releases.

What are some examples used today at state agencies?

State agencies are seeing the benefits of utilizing electronic signatures and implementing them in a variety of ways to help streamline business and make processes more efficient whenever possible. Below are a few examples you may be familiar with through experience with the Commonwealth:

- Check box or 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 the entry on line x of last year's return).

How does any agency get started using electronic signatures?

[ITP-SEC006](#) outlines the requirements for electronic signatures within the Commonwealth. When determining which method to utilize, there are several considerations including:

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

Table 1 below provides a breakdown of the levels, the associated risk and impact of the transaction along with examples of electronic signatures and types of transactions. Additional information regarding transaction security levels can also be found in [OPD-SEC006B, Transaction Security Levels and Levels of Assurance for Electronic Signatures](#) (Authorized user access only).

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

Table 1. Electronic Signatures Examples by Transaction Security Level

What technology can be utilized?

- There is a multitude of vendors who provide electronic signature technology in the marketplace. Picking the right solution is a matter of choice based upon agency's particular electronic signature needs, budget, and business requirements.
- There is no product standard restriction for electronic signature technology set by the Commonwealth.
- Prior to selecting a solution, agencies should ensure the vendor is on state contract and the solution meets all their functional and business requirements.

Is an IT policy waiver required?

- No, an IT policy waiver is not required to utilize electronic signatures.

Who should agencies contact for general assistance with questions on electronic signatures or help picking the best solution for their needs?

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

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

Version	Date	Purpose of Revision
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.
Revision	01/04/2024	Annual review. Document language clarified and updated for consistency – intent not changed. Heading added to Table.