

Information Technology Policy

Electronic Signatures Reference Guide

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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
Level A Low Risk Low Impact Transactions	<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 Low to Medium Risk Medium to High Impact Transactions	<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 High Risk High Impact Transactions	<ul style="list-style-type: none"> • Digital Certificate • Biometrics 	<ul style="list-style-type: none"> • JNET/Criminal Justice • Online Medical Records Transmission

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.

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.