City of \_\_\_\_\_\_\_\_\_

Electronic Signature Policy

**Purpose:** The intent of this policy is to establish a policy to allow for the acceptance and

submission of electronic and digital signatures.

**Scope:** All authorized signers for the City of \_\_\_\_\_\_\_\_\_\_\_\_.

**Definitions:**

**Authorized Signer:**  The Mayor, City Administrator, City Recorder, City Clerk, City Attorney,

Department Directors and any other City employee or elected official who has been granted

authority to sign certain records on behalf of the City of \_\_\_\_\_\_\_\_\_\_\_\_\_either by the nature of

their position in relation to the records or by the direct authorization from the governing body or

Municipal Code.

**Digital Signature:** A type of electronic signature that contains a digital certificate, issued by a

licensed certificate authority, behind the signature and offers authentication when sending a

“signed” electronic document.

**Electronic Record:** A record created, generated, sent, communicated, received, or stored by

electronic means.

**Electronic Signature:** An electronic sound, symbol, or process attached to or logically

associated with a record and executed or adopted by a person with the intent to sign the

record.

**Wet Signature:** A wet signature is an original signature on a physical paper document.

If a wet signature is required, there should be two sets of the documents allowing each party to

retain one with original signatures.

**Policy**

1. The City of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ authorizes electronic transactions and the use of electronic or digital signatures in accordance with this policy.
2. A City document that is required by law to be signed in non-electronic media may not be electronically or digitally signed.
3. An electronic or digital signature is an acceptable substitute for a wet signature.
4. If an electronic or digital signature is used for transactions within the State of Tennessee, the signature shall comply with the requirements of the Uniform Electronic Transactions Act set forth in T.C.A. § 47-10-101 et seq.
5. If an electronic or digital signature is used for interstate transactions or for documents required by the United States Federal Government, the signature shall comply with the requirements of the Electronic Signatures in Global and Electronic Commerce Act and the Tennessee Uniform Electronic Transaction Act.
6. A document signed electronically or digitally shall be deemed the equivalent of an original signed document if the individual or entity signing the document has complied with the provisions of this policy.
7. This policy in no way affects the City’s ability to conduct a transaction using a physical medium and should not be construed as a prohibition on the use of wet signatures.
8. Departments with current process in place to use an electronic signature shall seek approval from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to continue using their established process if the software used is not consistent with the approved City digital signature platform.

**Procedure:**

1. **Authorization for Use of Electronic Transactions and Electronic and Digital Signatures**
2. Authorized signers are authorized to sign records using an electronic signature platform to affix electronic or digital signatures to City records as provided in this policy.
3. Authorized signers my affix electronic or digital signatures to the following records - accounts payable records (including but not limited to invoices, purchase orders, purchase orders requests, vouchers, and expenditure approvals); and contracts and agreements to which the City is a party.
4. Electronic or digital signatures may be used on City records requiring execution by a third party.
5. **Security of Electronic Transactions and Electronic and Digital Signatures**
6. A valid digital signature issued by a certificate authority provides the following protections:
7. Verifies the authorized signer is who they represent themselves to be because the person had to prove their identity to a certificate authority to obtain the digital signature.
8. Confirms the signature was applied to the document and not copied from another document because the signature file is cryptographically bound to the document.
9. Ensures the document was not altered after it was signed.
10. The private key used to create a digital signature is confidential under T.C.A. § 10-7-504 and will not be provided in response to a records request. All authorized signors shall keep their private keys confidential.
11. Authorized signers may sign City documents digitally if such an option is available, providing the following:
12. The digital certificate utilized by the authorized signer in connection with the digital signature is obtained from a certification authority in compliance with state law;
13. The digital signature is not expired when the authorized signer signs the document digitally;
14. The authorized signer does not provide information to the certification authority they know to be untrue; and
15. The electronic or digital signature contains the following information:
    1. A hand-written representation of the authorized signer’s signature;
    2. A typed representation of the authorized signer's name and title; and
    3. The date and time of the signature.
16. Electronic or digital signatures cannot be applied using someone else’s name. Records signed by the authorized signer shall use their own electronic or digital signature.
17. **Transmission and Storage of Electronic Transactions and Signatures**
    1. Electronically or digitally signed records shall be stored in such a way as to ensure their preservation, disposition, integrity, security, confidentiality and auditability.
    2. Electronic records shall only be transmitted via secure services including but not limited to electronic mail, drop box and cloud based digital signature platforms.
    3. Electronic records are subject to the same requirements under the Tennessee Open Records Act.