



MEMORANDUM
COUNTY EXECUTIVE OFFICE
ADMINISTRATION
County of Placer

TO: Board of Supervisors DATE: October 6, 2020

FROM: Todd Leopold, County Executive Officer
By: Chad Fenstermacher, Management Analyst

SUBJECT: Electronic and Digital Signature Policy (Amended)

ACTION REQUESTED

Adopt a Resolution approving an update to the Placer Administrative Manual for the Electronic and Digital Signature Policy.

BACKGROUND

This request is to recommend an update to the existing Electronic and Digital Signature Policy previously updated by the Board of Supervisors on February 7, 2017. The purpose of Electronic and Digital Signature Policy is it establishes guidelines for the appropriate use of electronic and digital signatures for County business. This policy includes provisions to contain costs, to identify those responsible and accountable, and to execute standards of use

The recommended updates to the Electronic and Digital Signature Policy includes:

- 1) Clarification of use for digital and electronic signatures
- 2) Edits and simplifications for readability

In addition to these updates, areas of this policy have been reorganized for clarity.

These updates are recommended by the Placer Administrative Manual (PAM) Committee, comprised of representatives of the Auditor-Controller, County Executive Office, County Counsel, Risk Management, Human Resources, Information Technology and Facility Services.

FISCAL IMPACT

None

ATTACHMENTS

Resolution

Before the Board of Supervisors County of Placer, State of California

In the matter of:

An update to the Placer Administrative Manual
for the Electronic and Digital Signature Policy

Resolution No.: _____

The following Resolution was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held October 6, 2020, by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:

Clerk of said Board

WHEREAS, the purpose of the Electronic and Digital Signature Policy establishes guidelines for the appropriate use of electronic and digital signatures for County business. This policy includes provisions to contain costs, to identify those responsible and accountable, and to execute standards of use;

WHEREAS, the existing Electronic and Digital Signature Policy was previously updated by the Board of Supervisors on September 5, 2017;

WHEREAS, the recommended updates to the Electronic and Digital Signature Policy includes the clarification for use of digital and electronic signatures and edits and simplifications for readability.

WHEREAS, these updates are recommended by the Placer Administrative Manual (PAM) Committee, comprised of representatives of the Auditor-Controller, County Executive Office, Human Resources, Administrative Services, and County Counsel. Updates are also supported by Placer Public Employees Organization (PPEO) representatives. This update does not address provisions that would affect Deputy Sheriff's Association (DSA) represented employees, which may be presented as a subsequent policy update at a future board meeting,

BE IT RESOLVED, that the Board of Supervisors, County of Placer, State of California adopts the updated Electronic and Digital Signature Policy.

Exhibit A - Electronic and Digital Signature Policy

Electronic and Digital Signature Policy



1.0 PURPOSE

~~County of Placer acknowledges the necessity of eSignatures as an integrated technology. To~~
This policy establishes guidelines for the appropriate ~~business~~ use of electronic and digital signatures ~~for County business by the County of Placer employees. County of Placer~~
~~acknowledges the necessity of eSignatures as an integrated technology. This policy includes~~
~~provisions and provides this policy~~ to contain costs, ~~ensure to identify departmental and~~
~~personal those responsibility responsible~~ and ~~accountability~~ accountable, and to ~~ensure proper~~
~~execute standards of~~ use.

2.0 POLICY

This policy applies to any document requiring ~~the a~~ signature of ~~any~~ party where ~~a the signature~~
~~is signature~~ intended to show ownership, approval, authorization, or certification. It is the intent of
 the County to encourage the use of electronic signatures and/or digital signatures where it is
operationally feasible to do so, where existing technology permits, and where it is otherwise
appropriate based on the Department's preferences. in all internal and digital signatures in
~~external activities, documents, transactions where it is operationally feasible to do so, where~~
~~existing technology permits, and where it is otherwise appropriate based on the Department's~~
~~preferences.~~ In such situations, affixing an electronic signature to the document in a manner
 consistent with this policy shall satisfy the County's requirements for signing a document. ~~As used~~
~~in this policy, t~~he term "signature" may include using initials on an electronic document instead
 of a full signature. For all internal documents and/or transactions an electronic signature can be
used. For external activities, digital signatures should be used.

If parties ~~have agreed agree~~ to ~~conduct~~ a transaction by electronic means and ~~are required by~~
~~a law requires a person~~ to provide, send, or deliver information in writing ~~to another person~~, the
 requirement is satisfied if the information is provided, sent, or delivered, ~~as the case may be,~~
 in an electronic record ~~capable of retention by, which~~ the recipient ~~at can retain at~~ the time of
 receipt.

There is no longer a preference for obtaining original/wet signatures from vendors on signed
 contracts, ~~although each~~ At its discretion, a department ~~has discretion to can~~ require
~~submission of an~~ original/wet signatures.

All Placer County business shall be conducted electronically whenever practicable ~~to~~
~~allow allowing for~~ transparent management and auditing of signings made on the County's
~~behalf of Placer County.~~ This includes the use of Placer County approved digital esSignature
 applications and internal workflow processes es approvals.

3.0 DEFINITIONS

1. **Electronic signature** - A generic term ~~that refers referring~~ to any representation in electronic form ~~that can be~~ used to express *intent*, including a printed name at the bottom of an e-mail, a digitized copy of a handwritten signature, a biometric mark, a sound, or a digital signature. An electronic signature provides:
 - Who signed
 - What was signed
 - Captures intent and consent
 - Significantly increases the ease and flexibility of signatory process

2. **Digital signature** - A specific type of electronic signature based on public-key cryptography, ~~and~~ used within a framework known as public-key infrastructure (PKI). ~~It is e~~Encryption technology ~~underlying underlies~~ the electronic signature. It works with an electronic signature, not as an electronic signature. A ~~D~~igital ~~S~~ignature:
 - Secures sensitive data associated with documents through encryption
 - Detects tampering efforts and invalidates associated documents
 - Strengthens electronic signature as a trusted tool

~~The use of a digital encrypted signature is appropriate for: -sensitive, confidential documents, or for documents where restricted access (where the business deems that the act of logging on, then (e.g. logging into an application, and/or using a PIN or other identification) is not deemed sufficient. the use of a digital encrypted signature is appropriate.~~

3. **Facsimile (FAX) or Scanned signature** - A signature ~~that is~~ copied or scanned from a document bearing an authorized original signature.

Under California law, a document bearing a facsimile signature is equivalent to the original copy in most situations unless an original signature is otherwise required by law.

While California law allows for the use of fax or scanned signatures in many cases, the Secretary of State's regulations, which govern County operations, do not authorize the use of fax or scanned signatures ~~as a method~~ to create a legally enforceable agreement. Therefore, the use of a fax or scanned signature is not allowed when creating an agreement with a third party ~~in these instances where~~ when an authorized original signature is required.

4.0 GENERAL PROVISIONS

It is the policy of the County of Placer to make appropriate use of County funds while taking advantage of improving business technologies to promote operational efficiency.

4.1 RESPONSIBILITY

Departments that elect to use electronic and digital signature technologies must adopt procedures that satisfy the requirements of this policy. Additionally, they will

bear the fiscal responsibility for the use of ~~eS~~ electronic signature products authorized by the County of Placer.

4.2 DOCUMENT RETENTION

Documents shall be retained per the Placer County Records Management Policy, or any other applicable laws or regulations pertaining to a specific document type.

4.3 ACCOUNTABILITY

At a minimum, ~~the~~ a Department's procedures will include (1) maintaining a list of documents, applications or business processes utilizing ~~eS~~ electronic signature technologies, and (2) procedures for monitoring usage to ensure a demonstrated business need.

County employees' use of electronic signatures and/or records bearing electronic signatures shall be consistent with with all applicable laws, regulations and policies including those from federal, state and local authorities. ~~applicable federal, state, and local laws, regulations, and policies, including all information technology security policies.~~ Employees in violation of ~~who use electronic signatures in a manner that is not consistent with applicable law, policies or procedures (e.g. falsifying a signature, altering signed documents or unauthorized use of County eSignature licenses)~~ may be subject to disciplinary action up to and including termination, and/or ~~the conduct may result in~~ criminal investigation and prosecution. Examples of inappropriate use include (but not limited to): falsifying a signature, altering signed documents or unauthorized use of County eSignature licenses. All inquiries and violations shall be immediately made to the Chief Information Officer.