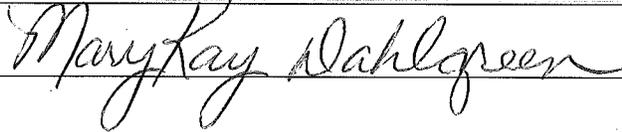


**Oregon State Library
Policy**

Signature Facsimile and Electronic Signatures

Approved by:



Date: 8/11/14

Policy Statement: The Oregon State Library implements the electronic signature provisions of the Uniform Electronic Transactions Act (UETA). This enables better customer service by allowing the acceptance of facsimiles of signatures, as well as electronic signatures when executing final contract documents, reports and amendments in lieu of an original ink signature.

Authority: ORS 357.001 State Library, (Policy and Definitions) Legislative findings, ORS 84.052 Acceptance and distribution of electronic records by governmental agencies, OAR 125-600-0005 Guidelines for Use of Electronic Signatures by State Agencies

Applicability: All State Library employees, volunteers, contractors, Oregon State Library Board of Trustees. This policy does not apply to Oregon Talking Book and Braille Library patron applications which are governed by National Library Service policy.

Attachments: None

Definitions:

Digital Signature – A **digital signature** is a mathematical scheme for demonstrating the authenticity of a digital message or document. A valid digital signature gives a recipient reason to believe that the message was created by a known sender, such that the sender cannot deny having sent the message and that the message was not altered in transit. Digital signatures are commonly used for software distribution, financial transactions, and in other cases where it is important to detect forgery or tampering. Electronic signatures do not rise to the level of security that a digital signature has.

Document – equivalent to "Writing." A **document** is a writing that gives information about something and can be produced by handwriting, printing, typewriting and all other methods.

Electronic – means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

Electronic signature – It is the electronic equivalent of a handwritten signature. Any sound, symbol, or process that is made or adopted by a person with intent to sign a document can be used as the **form of signature** for purposes of creating an electronic signature. This includes, for example, a typed name, or clicking on an "I Agree" button in an online form. A writing is electronically signed if an electronic signature is logically associated with such writing. Sometimes used as a synonym for a facsimile of signature.

Electronic Transaction – actions between two or more persons relating to the conduct of business, consumer, commercial, or governmental affairs.

Facsimile of signature – a fax or scan of a document with a signature, a subset of electronic signatures.

Writing - “Writing” includes handwriting, printing, typewriting and all other methods and means forming letters and characters upon paper, stone, wood or other materials. “Writing” also includes information that is created or stored in any electronic medium and is retrievable in perceivable form.

Policy:

The Oregon State Library may accept electronic and facsimile signatures under this policy.

A signature, whether electronic or on paper, is the means by which a person indicates an intent to associate himself with a document in a manner that has legal significance (e.g., to adopt or approve a specific statement regarding, or reason for signing, a document). It constitutes legally-binding evidence of the signer’s intention with regard to a document.

An electronic signature may be used to sign a writing and shall have the same force and effect as a written signature for legal signing purposes in the context of electronic transactions.

In general, if the agency would accept a written signature without verifying it against a signature card, the agency may accept an electronic signature. The State Library’s acceptance of electronic signatures is based on risk assessment.

The following elements should be built into an electronic signature process.

1. A person (i.e., the signer) must use an acceptable electronic **form of signature**, such as a typed name, or scan of signed document;
2. The electronic form of signature must be executed or adopted by a person with the **intent to sign** the electronic record, (e.g., to indicate a person’s approval of the information contained in the electronic record);
3. The electronic form of **signature must be attached to or associated with the electronic record** being signed;
4. There must be a means to **identify and authenticate** a particular person as **the signer**; and
5. There must be a means to preserve the **integrity of the signed record**.

This can be accomplished, for example, through the use of a pop-up box notifying the sender that a legally binding signature is required, or the use of a check box whereby the sender indicates his or her intent to use an electronic signature to legally sign the communication next to a blank filled with their name and title.

Risk Assessment

In deciding to accept or enforce an electronic signature, a risk assessment should consider:

- the **likelihood of a successful challenge** to the validity of the electronic signature, and
- the **monetary loss, or other adverse impact**, that will result from such a successful challenge to the enforceability of the electronic signature.

Using a qualitative approach, risk can be defined in general terms such as high, moderate, and low. Such an analysis should consider the relationships between the parties, the value of the transaction, and the risk of unauthorized alteration. Acceptance of scanned or faxed items poses little risk especially in grant programs or in dealings with standard vendors or library entities. Having an ongoing relationship with an entity is a low risk transaction.

