

## Electronic Signature Policy 19-01

**Version:** 1.00

**Effective Date:** 10/01/2018

**Approval:** Acting Contracts Manager, Rachel Dougherty

### Policy Statement

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The objective of this policy is to provide all state agencies' contract and procurement staff with guidance and direction on which types of electronic signatures (e-signatures) are accepted by the Department of Administration's Office of State Procurement.

### Scope of Policy

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This policy applies to all departments, agencies, offices, councils, boards, commissions and other entities in the executive branch of Minnesota State government.

This policy applies to all state contracts, including contracts for goods, general services, utilities, building construction, and professional/technical services, as well as all contract-related documents that the Department of Administration receives from other agencies for review and approval, including, but not limited to, certification forms, contracts and amendments.

### Policy

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The Office of State Procurement will accept e-signatures created through SWIFT (Statewide Integrated Financial Tools), which is the State of Minnesota's online financial, procurement, and reporting system. SWIFT is meant to replace the state's antiquated paper processes. Contracts and amendments can be electronically signed by agencies and vendors through the system.

The Office of State Procurement will also accept e-signatures that have been authenticated by a third-party digital software, such as DocuSign and Adobe Sign, when it includes the date and time of the signature, an authentication code, and is attributable to the person intending to sign the document.

The Office of State Procurement considers handwritten signatures on faxed or scanned documents to be e-signatures as well, and are acceptable for procurement purposes.

If an agency desires to use an e-signature form beyond what is described above, it must receive prior approval from the Acquisitions manager or Professional/Technical Contracts manager, depending on the type of procurement being done.

The Office of State Procurement may reject e-signatures that cannot be authenticated. Under Minnesota Statutes Section 325L.09(b), an e-signature should be attributable to the person intending to sign the document.

Based on the context and surrounding circumstances of different e-signatures, the Office of State Procurement has determined three types of signatures as unacceptable forms of e-signatures:

- an image of a signature that is placed on a contract by digitally copying and pasting it onto the document.
- a signature created by selecting a script or calligraphy font for the typed name of the person “signing.”
- a typed name that appears following /s/.

## Relevant Statutes and Definitions

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The Minnesota Uniform Electronic Transactions Act<sup>1</sup> (UETA) defines an e-signature as “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.”<sup>2</sup>

The UETA allows a government agency to determine whether, and to what extent, it will send and accept e-signatures in place of written ones, and otherwise process, use and rely upon e-signatures.<sup>3</sup> The government agency giving due consideration to security, may specify the parameters for using and accepting e-signatures, such as the manner and format in which the e-signature was created, generated, sent, communicated, received and stored.<sup>4</sup> In establishing parameters for accepting e-signatures, the government agency may consider the promotion of consistency and interoperability with similar requirements adopted by other governmental agencies.<sup>5</sup>

## Acceptable E-Signature Forms<sup>6</sup>

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Types of E-Signature	Accepted w/Authentication	Not Accepted
<b>SWIFT</b>	X	
<b>DocuSign</b>	X	
<b>Adobe Sign</b>	X	
<b>Signatures Using Third-Party Signature Technology</b>	X	

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<sup>1</sup> Minn. Stat. Chapter 325L

<sup>2</sup> Minn. Stat. § 325L.02(h)

<sup>3</sup> Minn. Stat. § 325L.18(a)

<sup>4</sup> Minn. Stat. § 325L.18(b)

<sup>5</sup> Minn. Stat. § 325L.19

<sup>6</sup> This chart may be updated with other forms of acceptable e-signatures as they are approved by the Office of State Procurement’s Acquisitions manager or Professional/Technical contracts manager.

<b>Handwritten Signatures on Faxed or Scanned Documents</b>	X	
<b>Image of a Signature that has been Copied onto a Document</b>		X
<b>Typed Signature Using a Cursive or Calligraphy Font</b>		X
<b>"/s/" Followed by a Typed Name</b>		X
<b>Any Other Form of E-Signature</b>		

## History

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Version	Description	Date
1.0	Electronic Signature Policy	10/01/2018

## Contact

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If you have questions concerning this policy, please contact the OSP Helpline at 651.296.2600.