



THURSTON COUNTY
Washington
Est. 1852

POLICY

Policy Title Electronic Signatures Policy	
Number 803	Effective Date 4/13/2021
Latest Approval Date 4/13/2021	Approved by the Board  Commissioner Tye Menser Chair of the Board
Next Review Date 5/1/2024	Policy Owner Title Public Information Supervisor

POLICY INTENT

Purpose	State the purpose of the Policy. This should be a short statement. It may include risks to be addressed or benefits to be achieved. To ensure digital signatures, both sent and received by the County, on official documents are legally valid and enforceable. The Courts follow GR 31.1 and GR 30(a) ELECTRONIC FILING AND SERVICE and are exempt from this policy.	
Scope	Organization-Wide <input checked="" type="checkbox"/> Internal Only <input type="checkbox"/> Direct Impact to Citizens	
Are Office/Department Documents on this subject permitted?	<input checked="" type="checkbox"/> Yes, however Office/Department Documents must be consistent with this County-wide Document.	<input type="checkbox"/> No

POLICY STATEMENT

A. Implementation

1. Considerations for using electronic signatures:
 - 1.1. In a work environment moving toward a more virtual workspace, the County must determine how to use and accept electronic signatures, as allowed by the Uniform Electronic Transactions Act (Chapter 1.80 RCW).
 - 1.2. Offices/departments must determine which staff are authorized to use electronic signatures, how to authenticate the signatures, the process for submittal and receipt of electronic records, and the types of documents acceptable for electronic signatures.
 - 1.3. The bill report (link in resources below) describing the statute notes that:
 - 1.3..1. A record or signature may not be denied legal effect or enforceability solely because it is in electronic form;
 - 1.3..2. A contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation;
 - 1.3..3. If a law required a record to be in writing, an electronic record satisfies the law; and
 - 1.3..4. If a law requires a signature, an electronic signature satisfies the law.
 - 1.4. The Uniform Electronic Transactions Act (UETA), does not require a government agency to use or permit electronic records or signatures but gives the authority for

each government agency to determine the extent to which it will use and accept electronic records

2. Identification and authentication of the signer:
 - 2.1. Complete the electronic signature authorization form.
 - 2.2. Approval by the elected official or department director, or their designee is required.
3. When and Office/Department agrees to conduct transactions by electronic means, the following elements must be met for an electronic signature to be valid under the UETA.
 - 3.1. The parties must intent to sign;
 - 3.2. The parties must consent to doing business electronically;
 - 3.3. There must be a connection between the electronic signature and the associated record; and
 - 3.4. The electronic signature records created for each transaction must be capable of retention and accurate reproduction for reference by all parties entitled to retain the contract or document.
4. Each Office/Department must ensure adequate and appropriate filing and retention of documents signed, both sent and receipt of, through electronic signature. This includes, but is not limited to:
 - 4.1. Maintaining list of individuals authorized for electronic records, along with the types of documents allowable for signature;
 - 4.2. Establishing filing guidelines for the Office/Department;
 - 4.3. Ensuring all archiving and retention mechanisms are followed;

B. Public Records and Retention

1. All documents signed and received through electronic signatures are subject to the Public Records Act and Office of the Secretary of State Records Management Guidelines and Retention Schedules.

C. Risks

1. Improper or unlawful use of electronic records and signatures is prohibited because of the potential risks to the County and the individual employee. These risks include, but are not limited to:
 - 1.1. Service and performance interferences;
 - 1.2. Financial loss;
 - 1.3. Unlawful activity; and
 - 1.4. Loss of network or operational integrity.

DEFINITIONS AND ACRONYMS

Digital Signature	A subset of electronic signature technology. Digital signatures encrypt documents with digital codes to verify the user's identity and support authentication, data integrity, and signer non-repudiation.
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Electronic	As defined in Chapter 1.80.010 RCW, technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities, including without limitation blockchain and distributed ledger technology.
Electronic Signature	As defined in Chapter 1.80.010 RCW, 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.
Record	As defined in Chapter 1.80.010 RCW, information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
RELEVANT LAWS AND OTHER SUPPORTING INFORMATION	
County Code State Law State Rule Other Sources	<p>Uniform Electronic Transactions Act (UETA) - https://app.leg.wa.gov/RCW/default.aspx?cite=1.80&full=true</p> <p>Bill report describing the statute - http://lawfilesexternal.wa.gov/biennium/2019-20/Pdf/Bill%20Reports/Senate/6028-S.E%20SBR%20FBR%2020.pdf?q=20200708123754</p> <p>Public Records Act</p> <p>Office of the Secretary of State Records Management Guidelines and Retention Schedules</p> <p>GR 31.1 and GR 30(a) ELECTRONIC FILING AND SERVICE – Washington State Court Rules</p>
Superseded Documents	NA
Supporting Documents	Electronic Signature Authorization Form
Related Documents	<p>Policies Related to:</p> <ul style="list-style-type: none"> • Procurement • Contracts • Human Resources • Financial Services
Communication and Implementation Strategy	<p>The County Manager will:</p> <ul style="list-style-type: none"> • send a County-wide email describing the new policy; <p>The Public Information Supervisor will:</p> <ul style="list-style-type: none"> • include an article in the employee newsletter; • present the policy and procedure at the Elected Official meeting, Executive Management meeting, Appointed Directors meeting, and meetings of committees that will be included in the policy review process; <p>The Policy Committee will:</p> <ul style="list-style-type: none"> • coordinate the review of the Office/Department Documents to ensure consistency with this County-wide Document; and • notify Offices/Departments of any changes to this policy.
POLICY ADMINISTRATION	

Policy Owner	Assistant County Manager	
Contact Person (if different from above)	Public Information Supervisor	
Roles and Responsibilities	Employees	<ul style="list-style-type: none"> Understands and follows this policy.
	Supervisor/Manager	<ul style="list-style-type: none"> Ensure employees are following the direction set forth in this policy.
	Assistant County Manager	<ul style="list-style-type: none"> Ensure the County, as an entity, is following the direction set forth in this policy. Consults with each Office/Department on electronic signatures
	Office/Department Head	<ul style="list-style-type: none"> Understands and follows this policy.

REVISION HISTORY

Effective Date	Approved By	Modifications
04/13/2021	<u>Board of County Commissioners</u> Name/Title	Policy Created
Xx/xx/xxxx	_____ Name/Title	Indicate what changed
Xx/xx/xxxx	_____ Name/Title	Indicate what changed
Reviewers of the Current Revision	_____ Name/Title	_____ Name/Title
	_____ Name/Title	_____ Name/Title
	_____ Name/Title	_____ Name/Title

FURTHER INFORMATION

This section is not published on the final PDF document. It is for website purposes only

Keywords for search engine	Signatures, authorization, electronic authorization
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