



SUBJECT: Electronic Signature Policy

1. PURPOSE:

This policy prescribes the guidelines for the use of electronic signatures by the City of Redwood City. The policy establishes the requirements for the use of electronic signatures in lieu of manual, or “wet” signatures and ensures the same force and effect of a manual signatures. The policy is designed to increase efficiency and staff productivity by leveraging technology to collect, preserve, and secure city documents.

2. POLICY:**A. Definitions**

1. “Digital signature,” as defined by California Government Code Section 16.5, is a type of electronic signature.
2. “Electronic record” is a record that is created, generated, transmitted, communicated, or stored using electronic means.
3. “Electronic signature” or “e-signature” is an electronic marking, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record, and includes digital signatures. The following are also considered to be electronic signatures when the requirements of this Policy are followed: (a) facsimile signatures, and (b) an image of a signature electronically affixed to a document.
4. “External Document” is any document generated by or required to be signed by persons other than City employees. Examples of external forms would include contracts to which the City is a party that must be signed by a non-City party or applications to be completed by members of the public and submitted to the City.
5. “Internal Document” is an administrative form or document designed for use exclusively by City staff to support internal workflow processes. Examples of such documents would include human resources administrative forms, purchase requests, or other documents available over the City Intranet.
6. “Proxy signature” is when Person A authorizes Person B to affix Person A’s signature on their behalf. Proxy signatures are prohibited under this policy.

7. "Record" is information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
8. "Signature authority" is the authority to execute a document on behalf of the City via signature, whether electronic or manual.
9. "Uniform Electronic Transaction Act (UETA)" UETA is a California state law that authorizes uses of an electronic signature for transactions and contracts among parties in California, including a government agency. It also governs how electronic signatures are used. (See Civil Code Section 1633.1 et seq.)
10. "E-Sign Act" is a federal law passed to facilitate the use of electronic records and electronic signatures in interstate and foreign commerce. Under this law, contracts that are signed electronically are as valid as those with wet signatures. It defines terms (e.g., electronic signature and electronic record), requires intent of the signer, gives special considerations for consumers, and gives certain directions for electronic records retention. (See 15 U.S.C. Section 7001 et seq.)

B. Requirements for Accepting Electronic Signatures

The use of electronic signatures is permitted and shall have the same force and effect as the use of manual, or "wet" signatures if all of the following criteria are met:

1. The electronic signature or initial has been generated using an acceptable form of technology to generate and save the signature. Acceptable forms of technology shall be determined by the City Manager or his or her designee.
2. The electronic signature is capable of verification.
3. The electronic signature is under the sole control of the person using it.
4. Electronic notifications requesting electronic signatures are not forwarded to a third party unless the authority to sign the document has been properly delegated through an acceptable form of technology (e.g., an automated document workflow process).
5. The electronic signature can be linked to the data in such a manner that it is readily ascertainable if the data has been changed after the signature is applied.

All documents submitted for electronic signature must be in PDF format.

C. Documents and Uses

1. The City of Redwood City will utilize electronic signatures in lieu of manual, or "wet" signatures whenever possible.
2. If a third party entity who is required to sign a document does not consent to the use of electronic signatures, or if the entity requires a wet signature for legal purposes, the City of Redwood City will honor such requirements and provide a manual signature in lieu of an electronic signature.
 - a. Language will be added to all City agreements informing the parties that an electronic signature will be used and treated with the same force of a wet signature, unless the third party does not agree to sign using an electronic signature, in which case a manual signature will be accepted.
3. Acceptable use of electronic signatures shall be determined by the City Clerk in consultation with the City Attorney, the City Manager, and applicable laws. In general, this policy addresses three categories of documents when determining the acceptability of an electronic signature.
 - a. Internal Documents – Examples include memos, reports, request forms, Human Resources documents, and other documents that are used to conduct business within and between City

departments and staff. The use of a facsimile signature and an image of a signature electronically affixed to a document are acceptable for Internal Documents provided that appropriate safeguards are observed, as determined by the City Manager or designee.

- b. External Documents– Examples include agreements for services and/or goods, and other agreements between the City and outside entities seeking to do business with the City of Redwood City. The use of a facsimile signature and an image of a signature electronically affixed to a document is not acceptable for External Documents.
 - c. Recorded Documents – Examples include deeds, documents required for real property transactions, other documents that affect title to real property, and any document that requires recordation with the County Recorder. Wet signatures shall be required for Recorded Documents. The use of electronic signatures (including facsimile signatures and an image of a signature) is not acceptable for Recorded Documents.
4. A comprehensive list of acceptable documents and uses will be made available by the City Clerk and updated or revised administratively as needed.
 5. Procedures for use of electronic signatures, and for seeking approval for new uses of electronic signatures shall be established by the City Clerk in consultation with the City Attorney and the City Manager.
 6. Unauthorized use of someone else’s electronic signature is a violation of this policy and may be punishable by discipline, up to and including termination.

D. Automated Document Workflow

1. The City of Redwood City will implement the use of electronic signatures in conjunction with an automated document workflow process that will result in the creation of electronic records.
2. The automated document workflow shall be capable of capturing an audit trail and maintaining the information in conjunction with the signed document.
3. Through the automated document workflow, authorized signers will be authenticated using an email address. It is expected that all City employees safeguard access to business email to ensure the security of their unique electronic signature.
4. The City Manager, on the advice of the Administrative Services Director, is authorized to make final determination of acceptable vendors to provide electronic signature and automated document workflow services.

E. Treatment of Documents

1. Documents fully executed in accordance with this Policy shall be considered the original document for the purpose of complying with records retention practices and requirements under the City’s retention schedules.
2. The City Clerk or the department of record should maintain all original documents in a manner that is safe, reliable, and easily accessible in the course of business.

F. Designation of Authority

1. Where a City employee is authorized to execute a document (independent of this policy), the use of electronic signatures for that document is allowed, this policy permits the designated signer to authorize another City employee to sign that document on the designated signer’s behalf. In situations where the act of signing a document has been delegated to someone other than the

original recipient, the signature authority will be delegated through an automated workflow process and the employee to whom the signing has been delegated will use their own electronic signature. The use of a proxy signature, Person B affixing Person A's signature to a document, is prohibited.

2. This policy permits department heads to use electronic signatures for documents within their authority and allows department heads to designate a member of their staff to sign on their behalf.
3. If a City employee designates another City employee to electronically sign a document on their behalf, this designation shall be documented in the automated document workflow and such information shall be retained and preserved along with the original document.

G. Administration of Policy

1. If an emergency is declared, the City Manager, acting as the Director of Emergency Services, is authorized to adapt this policy in order to conduct necessary business on the City's behalf.