

ELECTRONIC SIGNATURES AND TRANSACTIONS

I. PURPOSE:

The following guideline establishes guidelines which recognizes the validity of electronic signatures (E-signature) and electronic transactions (E-transaction) and identifies the City of Little Rock's (City) requirements for the use of E-signatures for internal and external use in the conduct of the City's operations. E-signatures and E-transactions will increase the efficiency of City operations and of the City's business interactions with the public. Under this Policy, the City may require that employees and non-employees use E-signatures to conduct certain transactions that previously required handwritten signatures on paper documents.

II. SCOPE:

This Policy applies to all City employees, to all other individuals who are affiliated with the City, whether paid or unpaid, and to individuals who conduct certain transactions with the City. This Policy requires individuals conducting certain City operations or transactions to do so electronically and to formally acknowledge their agreement to said operations or transactions by affixing or otherwise submitting an E-signature.

III. DEFINITIONS:

- A. Agreement: The bargain of the parties in fact, as found in their language or inferred from other circumstances and from rules, regulations, and procedures that are given the effect of agreements under law as otherwise applicable to a particular transaction.
- B. Consent Agreement: An agreement whereby a user agrees that his/her signature is the legal equivalent of a handwritten signature, that he/she will accept and receive documents, data, and information electronically, and that he/she is the individual his/her signature represents him/her to be.
- C. E-Signature: Electronic signature.
- D. E-Transaction: Electronic transaction.
- E. Electronic: Relating to technology that has electrical, digital, magnetic, wireless, optical, or electromagnetic, or similar capabilities.
- F. Electronic Signature: An electronic sound, symbol, or process, which may consist of a signature or symbol, that is attached to or logically associated with an electronic record and executed or adopted by a person with the

intent to sign the record. Examples include, but are not limited to, a signature that is typed or otherwise electronically entered that is executed with the intent to sign a document and the checking of a box labeled with "I accept," "I approve," or similar language.

- G. Electronic Transaction: An action or actions occurring between two (2) or more persons relating to the conduct of business, commercial, or governmental affairs that is conducted, in whole or in part, electronically.
- H. External: Pertaining to the general public.
- I. Internal: Pertaining to City employees and other individuals affiliated with the City.
- J. Transaction: An action or actions occurring between two (2) or more persons relating to the conduct of business, commercial, or governmental affairs.

IV. USE:

To the fullest extent permitted by law, the City recognizes that E-signatures are the legal equivalent of handwritten signatures and as such are binding. Each City Department may, at its discretion, utilize E-signatures for internal and external use to sign agreements. The City may require employees, persons affiliated with the City, and members of the public to use E-signatures on designated documents and in so doing to conduct E-transactions. Electronic signatures may not be used when an applicable law, regulation, or City Policy or process specifically requires a handwritten signature.

Departments utilizing E-signatures shall work with the Information Technology Department as needed to effectuate the use of E-signatures. The City reserves the right to designate specific City transactions, whether internal or external, that shall require E-signatures and transactions that shall not require E-signatures. Such designations shall be in accordance with all applicable law and City Policies.

The City's requirement of an E-signature shall not affect the City's right, option, or obligation to provide or make available non-electronic documents to a signatory. This Policy shall not prevent the City from conducting any operation or transaction by non-electronic means unless prohibited by law, regulation, or policy.

V. CONSENT:

In each instance where an E-signature is required, whether internally or externally, it shall be preceded by a following Consent Agreement which requires the person using an E-signature to agree that he or she recognizes that the E-signature is legally binding and that he or she is the person he or she purports to be.

VI. SECURITY PROCEDURES:

The City shall adopt and/or maintain Security Procedures for E-signatures and E-transactions that are practical and secure. The City recognizes that different levels of security may be needed depending on the sensitivity of the documents at issue. The City recognizes that it is not possible to eliminate all risk. However, the City shall use security measures that undertake an appropriate analysis prior to approving the use of E-signatures or E-transactions.

VII. VIOLATIONS:

City employees who falsify electronic signatures or otherwise violate this Policy are subject to disciplinary action up to and including termination and criminal prosecution under applicable State and Federal Law. Employees are required to report any suspect or fraudulent activities which would violate this Policy to their Supervisors immediately.

Approved:



Bruce T. Moore
City Manager