

Policy Title: Use of Electronic Signatures and Submissions

Policy Number: PDC147 Administrative Policy

Applies To: Applies to all employees of the Public Disclosure Commission (PDC).

Authorizing Sources: Federal law - [Federal Electronic Signatures in Global and National Commerce Act \(E-Sign\)](#)
State law – [ESSB 5810 Electronic Signatures](#)
State law – [Chapter 19.34 RCW Washington Electronic Authentication Act](#)
Statewide guidance – [Office of the Chief Information Officer \(OCIO\)](#)

Effective Date: March 19, 2020
Last Updated: March 10, 2020
Review Date: January 1, 2020, March 25, 2019,

Approved by: _____
Peter Lavalley, Executive Director

Background

The use of electronic records and electronic signatures improve customer experience and speed transaction times while reducing agency costs and increasing efficiency. [Chapter 19.360 RCW](#) makes it clear that state agencies are encouraged and allowed to use and accept electronic signatures to authenticate electronic transactions.

Unless specifically provided otherwise by law or agency rule, whenever the use of a written signature is authorized or required by this code with a state or local agency, an electronic signature may be used with the same force and effect as the use of a signature affixed by hand. However, state agencies must first meet the following two requirements in order to use and accept electronic signatures or electronic submissions:

1. State agencies are required to put in place by policy or rule, the methods and process for using or accepting electronic submissions or electronic signatures; and
2. Electronic records and signatures must be consistent with policy, standards and guidelines provided by the state's chief information officer*.

Purpose

This policy is designed to:

- Provide reasonable assurance for the integrity, authenticity, and non-repudiation of electronic documents and records when electronic signatures and submissions are used and accepted; and
- Promote the use of electronic signatures and submissions across the agency.

Policy

- A. The Public Disclosure Commission (PDC) encourages electronic transactions and recognizes electronic records and signatures in all correspondence and transactions conducted by the PDC to the extent allowed by law. The PDC may require physical signatures for orders, agreements, and other documents in the adjudicatory process that directly affect the rights of parties.
- B. The use and acceptance of electronic signatures and electronic submissions/records shall be consistent with the guidance and requirements put in place by the Office of the Chief Information Officer (OCIO).
- C. The specific method of electronic signature shall be approved in advance by the business owner(s) responsible for the documents or records to be signed. This approval shall be made in consultation with the agency CLO and CIO and documented in Appendix A of this policy.in consultation with the agency Executive Director.
- D. At a minimum, all approvals must consider the following criteria when determining the applicability and method of electronic signatures.
 - a. Is a signature actually required by some governing law, rule, or policy; or required by another party to the transaction?
 - b. If not required, is a signature desirable for other substantive reasons, e.g. to emphasize the significance of a transaction or bind a party to the intent of a transaction to mitigate concerns of repudiation?
 - c. Does the method of signing or the nature of the record adequately identify the signer?
 - d. Does the method of signing adequately address the risks associated with the particular type of transaction while minimizing the barriers to conducting electronic transactions?
 - e. Does the electronic signature method need to preserve the integrity of the electronic record being signed?
- E. Approvals must be documented in Appendix A of this policy and address each of the approval criteria required by this policy.

This policy and changes to this policy shall be made available on the OCIO website.

History

First effective date:

March 25, 2019

Amended

This policy has not been amended

Supersedes

This policy supersedes all oral or written solution approval requirements or approval processes.

Appendix A - Approvals

Disclosure statements required under Chapter 42.17A RCW

- A. Requirement – Most disclosures specifically require a signature by law and in any cases where a

signature is not specifically required, the agency has determined that a signature is necessary to signify the importance of the transaction.

- B. Signer identity – Electronic systems for the submission of disclosure statements require login using individual credentials for access to the system. Credentials are associated with a specific account that is assigned to the individual making the submission.
- C. Risk assessment – A business analysis and risk assessment has been conducted by the business owner in consultation with the CIO and CLO and the approved method(s) adequately address any risks.
- D. Approved methods – These documents are approved for electronic signature by the signer typing an affirmative phrase such as “I Certify” as part of the submission process. The process must require reading the submission certification statement to determine the required phrase.
- E. Approval – Kim Bradford, 8/28/2018

PDC staff electronically signing transactions with a third party (including the PDC) where the individual PDC staff is bound to the terms of the transaction and the third party is requiring signature.

- A. Requirement – A signature may be required by the third party who is requesting the signed record or document. For example, a personnel form that is being sent to another agency such as OFM or DES. If there is no specific requirement for signing by the receiver, the record or document may be sent without a signature.
- B. Signer identity – The third party requiring a signature may specify a particular mechanism to meet their own identity thresholds.
- C. Risk assessment – A business analysis and risk assessment has been conducted by the Executive Director in consultation with the CIO and CLO and the approved method(s) adequately address any risks.
- D. Approved methods – The phrase “Electronically signed: <Full Name>” may be substituted for hand signature unless a specific method is provided by the third party requiring signature.
 - a. Any electronic signing method provided by the third party requiring the signature.
 - b. The phrase “Electronically signed: <Full Name>”.
 - c. An embed image of the signer’s actual signature.
- E. Approval – Peter Lavalley, xx/x/xxxx

PDC staff electronically signing transactions with third parties where the agency is bound to the terms of the transaction

- A. Requirement – A signature may be required by the third party who is requesting the signed record or document. If there is no specific requirement for signing by the receiver, the record or document may be sent without a signature.
- B. Signer identity – The third party requiring a signature may specify a particular mechanism to meet their own identity thresholds.
- C. Risk assessment – A business analysis and risk assessment has been conducted by the Executive Director in consultation with the CIO and CLO and the approved method(s) adequately address any risks. PDC staff must have the authority or delegated authority to bind the agency in the transaction.
- D. Approved methods – The phrase “Electronically signed: <Full Name>” may be substituted for hand signature unless a specific method is provided by the third party requiring signature.
 - a. Any electronic signing method provided by the third party requiring the signature.
 - b. The phrase “Electronically signed: <Full Name>”.
 - c. An embed image of the signer’s actual signature.
- E. Approval – Peter Lavalley, xx/x/xxxx

PDC staff and other parties signing documents in enforcement proceedings.

- A. Requirement – A physical signature may be required, unless impracticable, when there is a binding agreement between parties in the case of orders, stipulations and statements of understanding. For

other documents such as Warning letters, for reminder letters, Reports of Investigation, Notice of Administrative Charges, and Enforcement Hearing Notices, and Initial Hearings, an electronic signature is sufficient. Persons making a complaint to the PDC, requesting a modification or filing a report must certify (or declare or check a box) under penalty of perjury under the laws of the State of Washington that information is true and correct to the best of my knowledge and belief.

- B. Signer Identity – A party requiring a signature may specify a particular mechanism to meet their own identity thresholds.
- F. Risk Assessment - Risk assessment – A business analysis and risk assessment has been conducted by the Executive Director in consultation with the CIO and CLO and the approved method(s) adequately address any risks. PDC staff must have the authority or delegated authority to bind the agency in the transaction.
- G. Approve Methods - Approved methods – The phrase “Electronically signed: <Full Name>” may be substituted for hand signature unless a specific method is provided by the third party requiring signature.
 - a. Any electronic signing method provided by the third party requiring the signature.
 - b. The phrase “Electronically signed: <Full Name>”.
 - c. An embed image of the signer’s actual signature.
- C. Approval – Peter Lavallee, or designee as approved by Delegation of Authority.