



Effective Date: \_\_\_\_\_

Approved: \_\_\_\_\_

**CITY OF WILLOW PARK  
POLICIES AND PROCEDURES  
Electronic Signature Policy**

**PURPOSE**

The City of Willow Park adopts electronic signatures as a means of signing documents and records to promote paperless processing, to reduce the reliance on and cost of paper transactions, and to allow quicker access to documents.

This policy is designed to increase efficiency by adopting electronic signatures as an alternative to manual signatures on paper documents and to provide a process by which departments can be certified to incorporate electronic signature technology into their electronic business processes. The City recognizes electronic signatures are becoming a routine way of conducting business and that formal rules governing the use of electronic signatures by the City are necessary. This policy applies to all City departments and divisions that desire to use electronic signatures to conduct transactions both internal and external to the City.

**POLICY/PROCEDURE**

A department may use electronic signatures to conduct City business transactions and approvals in accordance with the following guidelines and the Texas Uniform Electronic Transactions Act, Tex. Bus. & Com. Code Ann. Section 322 et seq. (West 2009).

Where policies, laws, regulations, and rules require a signature, that requirement is met if the document contains an electronic signature.

Each party to a transaction must agree to conduct the transaction electronically in order for the electronic transaction to be valid. Consent may be implied from the context and surrounding circumstances.

If a law prohibits a transaction from occurring electronically, the transaction must occur in the manner otherwise allowed by law.

If a law requires an electronic signature to contain specific elements, the electronic signature must contain the elements specified by law.

The manner and circumstances in which electronic signatures are acceptable is enumerated in the Texas Uniform Electronic Transactions Act, Tex. Bus. & Com. Code Ann. Section 322 et seq. (West 2009).

A department converting to an electronic signature system must work with the City Secretary's Office, as the City's Records Management Officer, to ensure the following have been met:

- The electronic records and signatures must be maintained in a manner that efficiently and reliably preserves and protects the information over time so that it may be used for recognized governmental and legal purposes. The City Attorney should be consulted if the electronic signature system will involve procurement, contracts, real estate, or matters governed by specific statutes or regulations not routinely handled by the department or the City Secretary's Office.
- Electronic signature systems for transactions involving transfer of funds or committing the City to actions or contracts should account for and minimize the City's financial and legal liability.
- Electronic signature systems for secured transactions or transactions involving sensitive information should protect the City and users in terms of legal liability (civil or criminal), privacy, and confidentiality.
- Both the record and the signature must be capable of long-term preservation in a format that will be supported for a duration consistent with adopted retention schedules. After documents are signed electronically, a signed version of the documents should be stored on a file storage system owned by the City of Willow Park so they can be preserved as needed. Any contracts signed electronically should be forwarded to the City Secretary in order to preserve them for the appropriate retention period.
- The technology must ensure that the signatory cannot reasonably deny signing or sending a document.
- The electronic signature technology must be reasonably compatible with relevant software applications.
- The cost and use of the electronic signature method must comport with the degree of transactional and systemic risk.
- The IT Department will evaluate the effectiveness of the electronic signature method in terms of verification and system security.

## **USE OF ELECTRONIC SIGNATURES**

Once an electronic signature system has been approved, a department may use electronic signatures in lieu of manual signatures.

## **AUTHORITY AND EFFECT OF ELECTRONIC SIGNATURES**

In accordance with Sections 322.005(b) and 322.007(d), Tex. Bus & Com. Code Ann. (West 2009), where policies, laws, regulations, and rules require a written document or signature, that requirement is met if the document or signature is, respectively, an electronic record or contains an electronic signature, as otherwise required by law.

Electronic signatures shall not be used and shall have no binding authority or effect on City records, where electronic signatures are prohibited by law or other City policies or where a law prohibits a transaction from occurring electronically.

This policy shall not preclude the use of any other types of signatures, including without limitation, manual signatures, or facsimile signatures. This policy shall not limit, alter, modify, or otherwise affect any requirement imposed by law relating to (a) authority, obligations, or procedures required for facsimile signatures; (b) the proper procedures and authorization necessary to execute City records; (c) requirements to legally bind or obligate the City under any contract or agreement; and (d) the legal effectiveness, validity, or enforceability of any City record, including any contract or agreement, signed electronically in violation of any such laws. All laws regarding signing City records shall apply to electronic signatures and electronic records, and all laws regarding signing, adopting, entering in, or executing contracts, agreements, purchase orders, statements of work, ordinances, leases, licenses, and any other document purporting to be legally binding upon or otherwise obligating the City.

In the event that any electronic signature is found by the City Attorney to have been used or applied to a City record or certified in violation of this policy or any other law, the electronic signature shall be null and void and the City record signed electronically using the unlawful, fraudulent, unauthorized, or otherwise improper electronic signature shall also be (a) null and void, (b) discontinued, and (c) unenforceable against the City.

## **CONFLICT AND REPEAL**

If the provisions of this policy conflict with any law, that law shall prevail.