

Electronic Signatures Solutions Guideline

FOIP and Information Management, Enterprise Information Management

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Introduction

Purpose

This guideline describes the process that all departments must follow in order to implement an appropriate electronic signature solution, including (but not limited to):

- identification of an appropriate electronic signature solution;
- identification and/or mitigation of potential risks associated with meeting legal and evidentiary requirements; and
- ensuring the selection of a fiscally responsible electronic signature solution.

This guideline is intended to help identify and/or mitigate potential risks associated with meeting legal and evidentiary requirements, and ensure the selection of a fiscally responsible electronic signature solution. Following this guideline will support the integrity, validity and security of electronic signatures created and/or retained by the Government of Alberta.

The process detailed in this guideline supports implementation of the Electronic Signature Types Standard, and aligns with the [Canadian General Standards Board \(CGSB\) 72.34-2017, Electronic records as documentary evidence standard](#) established by the Government of Canada.

Background

An electronic signature is a broad term that encompasses any electronic information that a person creates or adopts in order to sign/endorse a record, and that is in, attached to, or associated with, the record (e.g., signing a contract electronically, using check box verification on a website, providing verification/sign-in credentials, etc.).

Under Alberta's *Electronic Transactions Act*, the legal requirement for a signature can be satisfied by an electronic signature. A record to which the *Electronic Transactions Act* applies cannot be denied legal effect or enforceability solely on the basis that it is in electronic form. Electronic signatures are therefore an acceptable method of contract execution for goods and/or services, but to be valid, they must meet certain requirements set out by both legislation and Government of Alberta information management technology (IMT) standards. These requirements may vary depending on the type and nature of the contract.

In the same way that a "wet" signature becomes part of a paper record and remains with the record throughout the information management lifecycle, an electronic signature is considered attached to, or associated with, an electronic record throughout the information management lifecycle. Electronic signatures can be created when paper records with "wet" signatures are digitized. Refer to the [Digitization Standard](#) for more information about the process for digitizing records.

The information captured by an electronic signature includes (but is not limited to):

- the signatory's agreement to the content of the record;
- the signatory's consent to sign a record electronically; and
- the metadata that validates the signature, including the date and time the signature is created.

Electronic signature solutions can range from a simple click box, to a complex technological solution that ensures a unique, authorized signature is captured and maintained for the entire lifecycle of the associated record.

NOTE: The government uses two types of electronic signatures: **basic** and **secured**. For definitions refer to the Electronic Signatures Types Standard.

Benefits of Electronic Signatures

Rapid technological change and the wide adoption of e-commerce have resulted in the development and implementation of electronic signature solutions in both the public and private sectors. Benefits of using these solutions include (but are not limited to):

- alignment with the IMT Strategic Road Map 2016/2017–2020/2021;
 - government programs and services are enabled through integrated information and technology to support the adoption of electronic records as the official government record.
- easier and more responsive processes for citizens and businesses to interact with government;
- meeting the expectations of citizens and businesses that prefer the use of electronic services to connect with government; and
- aligning with current Government of Alberta initiatives, specifically:
 - [MyAlberta Digital ID](#) (MADI) which provides Albertans quick, secure access to participating online government programs and services;
 - [MyAlberta Digital ID for Business](#) (MADI-B) which provides companies quick, secure access to participating online government programs and services; and
 - using internal government electronic signature solutions (e.g., automatically assigned electronic signature that staff can use to securely sign internal documents).

Example - MADI Evacuation Payment System

An online application form was developed to enable individuals affected by an evacuation order to apply for funding to help pay for immediate housing needs and day-to-day purchases during a disaster. Applicants are able to use MADI to verify their identification and submit an application. Once verified, the applicant receives electronic payment, minimizing the number of individuals who require face-to-face services.

Roles and Responsibilities

Business areas will identify:

- the need for an electronic signature;
- business requirements by following the below process;
- stakeholders;
- relevant subject matter experts (SMEs); and
- business relationship managers (BRMs).

Stakeholders and SMEs (e.g., Senior Records Officers, IM Directors) will work with business areas to go through the process identified below to identify a preferred electronic signature solution.

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BRMs will act as the liaison between business area and Information Technology SMEs, and assist in identifying additional stakeholders and/or SMEs.

Information Technology will work with business areas, stakeholders, SMEs and BRMs to:

- assess the preferred electronic signature solution;
- examine available electronic signature solutions for suitability e.g., pre-existing solutions or vendor pre-qualified requests); and
- implement solutions.

Process

Throughout this process, it is recommended that SMEs and stakeholders be consulted as necessary. BRMs can connect business areas with the appropriate subject matter experts whose expertise may include (but is not limited to):

- legal opinions (e.g., department legal contact);
- information management (e.g., [Senior Records Officers](#));
- security (e.g., [Sector Information Security Officers](#)); and
- privacy (e.g., [FOIP Coordinators](#)).

For a visual summary of the steps involved in selecting an electronic signature solution, refer to **Appendix 1 – Electronic Signature Solution Process**.

Step 1: Evaluate the need for a signature

First, determine if a signature is required. The purpose of a signature is to link an individual to a record or a transaction; and provide evidence of that individual's intent to sign the record and/or complete the transaction. A signature's primary function is to provide evidence of the signatory's:

- identity;
- intent to sign the record and/or complete the transaction; and
- agreement to be bound by the contents of the record and/or transaction.

If there is no need to confirm the individual's identity, then a signature may be unnecessary.

Some questions to ask throughout this evaluation include (but are not limited to):

- Will implementing an electronic signature solution reduce or eliminate delays of service?
- What are the benefits for businesses or citizens in finalizing their records or transactions electronically?
- How much time do government staff spend currently processing paper signatures?
- Does the business area frequently require reengaging with citizens due to errors resulting from missing, illegible, or otherwise incorrect "wet" signatures?
- What is the risk of someone disputing a signature?
- Is the risk of a dispute significant from a business or legal perspective?
- What are the potential consequences of a dispute over a signature?
- If multiple signature are required by the business process, are there any special considerations (e.g., the order in which signatures are collected)?
- Do you need to have documentation regarding the signatory's consent to sign electronically?
If a situation occurs in which a record is copied, is there a need to validate the signature on each copy?

Step 2: Review Legislative Requirements

This review must include (but is not limited to):

- examination of department legislation and/or regulations;
- examination of IMT policy instruments (e.g., IMT standards); and
- consultation with department legal team.

Some questions to ask during this review include (but are not limited to):

- Is there a legislative requirement for a signature?
 - If a signature is required by legislation, does the legislation include specific details regarding the method, technology, or process involved in obtaining or attaching a signature to a record?
- Does section 7(1) of the *Electronic Transactions Act* limit the ability to collect an electronic signature?
- Have all reasonable legal risks been identified?
 - If risks are identified, what kind of mitigation strategies are necessary?
 - If mitigation strategies cannot be implemented, does the business area accept the risk?
 - If yes, how will the business area document that the risk has been identified and accepted?

Once the business area has completed a legislative review, it may be necessary to obtain a legal opinion; business should consult with appropriate department legal counsel.

NOTE: If it is determined that there is no need for a signature, but one is required in legislation (i.e., Act or Regulation), contact your legislative manager to discuss options to potentially amend or repeal the legislation.

Step 3: Consult with MADI to determine Identity and Credential Assurance

The level of confidence that someone is who they claim to be is the foundational aspect when assessing options for an electronic signature solution. Drawing upon the results of the evaluation conducted in the previous two steps and in alignment with the Digital Identity and Credential Assurance Standard business areas can determine the appropriate identity and credential assurance level required for the electronic signature solution.

Depending on the business and technical requirements for an electronic signature solution, there are different options that can provide appropriate identity and credential assurance. To determine if MADI is an appropriate solution, contact them at myalberta@gov.ab.ca.

Step 4: Identify a Solution

Once the previous steps have been completed, and in consultation with IT subject matter experts, an appropriate electronic signature solution can be identified. Some questions to consider when identifying the appropriate signature solution include (but are not limited to):

- Is there a financial impact when implementing the solution?
- Depending on the solution identified, can business areas leverage existing tools?
- Can the solution capture the signatory's consent to sign electronically?
- Does the solution need to capture the technology or process used to identify the signatory?

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- Does the solution allow for compliance with Government of Alberta retention and disposition policies and procedures?
- Does the solution align with the requirements outlined in the Data and Information Security Classification Standard?

Refer to the [Electronic Signatures Technical Standard](#) and supporting guidance for more information about technical requirements and identifying an appropriate electronic signature solution.

Supporting Documents

- [Digital Identity and Credential Assurance Standard](#)
- [Digitization Standard](#)
- [Electronic Signature Types Standard](#)
- [Electronic Signatures Technical Standard](#)

Appendix 1 – Electronic Signature Solution Process

This diagram is a visual summary of the steps involved in selecting an electronic signature solution.

