

transactions, in order to test workflow and processes. A countywide rollout for internal documents was recently initiated, based on the success of the pilot project, in order to move the project forward and enable all departments to use and benefit from the efficiencies gained with eSignatures. This rollout occurred prior to this Policy being approved; the Policy was developed to guide the use of eSignature technology by the Departments.

Background:

On May 13, 2020 the County entered into a one-year contract with Docu-Sign to provide the county with an enterprise eSignature solution; Docu-Sign is based on digital signature technology. The contract was finalized in June 2020, and the platform was initially rolled out to a pilot group to test and use for internal documents and processes; the product was recently rolled out countywide for internal uses, after a successful testing and implementation period with the pilot group.

As part of the rollout process, the Working Group, consisting of members from General Services, County Counsel, Clerk of the Board, Auditor-Controller, Behavioral Wellness, CEO, Public Health, Social Services, and Clerk-Recorder-Assessor, finalized the attached Draft Policy, for Board consideration, in order to formalize and document recommended processes and provide guidance for the use of electronic and digital signatures for both internal and external business uses and transactions. The IT Policy Committee approved the Draft Policy on November 9, 2020 via documented email vote, and the EITC approved the Draft Policy at their meeting on November 18, 2020. Rollout for external uses will follow once the Draft Policy is approved by the Board and processes and requirements are communicated to departments.

The Policy, for your consideration, provides general guidance and procedures for the use of digital and/or eSignatures on documents used to conduct official County business that require signature of any party where a signature is intended to show ownership, approval, authorization, or certification. The Policy includes the following:

- The Policy describes the difference between eSignatures and digital signatures: a digital signature is a type of eSignature with strict security requirements. DocuSign provides for the use of digital signatures.
- The Policy encourages the use of approved methods for digital signatures and/or eSignatures in all internal activities, communications, documents, and transactions.
- The Policy only allows the use of digital signatures for external activities, communications, documents, and transactions.
- The Policy sets forth a required County-wide process for the use of digital signatures in agreements (i.e., contracts) with external entities. The purpose of these requirements is to ensure that County agreements with external entities are eligible for the protections available under the Uniform Electronic Transactions Act (Cal Civil Code 1633.1 *et seq.*). If a non-wet signature is used on an agreement, the parties must agree to conduct the transaction electronically in a separate and optional agreement. The departments can work with County Counsel to ensure this requirement is satisfied.
- The Policy includes a list of transactions that are excluded from UETA. Departments may, however, use digital signatures or eSignatures for these transactions if otherwise authorized by law.

- The Policy highlights that each department has discretion to decide whether to permit the use of electronic and/or digital signatures. Departments should work with County Counsel to determine where applicable laws permit an electronic and/or digital signature to be used, subject to operational and business requirements and available technology.

Fiscal and Facilities Impacts:

Budgeted: N/A

Using an electronic and/or digital signature platform provides the necessary workflow management, access, security, and customer service needed to continue business operations during the county's extensive shift to remote work, and is a long-term solution for improved workflow and efficiency when signing documents.

Special Instructions:

Clerk of the Board: Please return the minute order for this action to the General Services Department, attention: Lynne Dible, Assistant Director.

Attachments:

1. Draft Electronic and Digital Signature Policy ITAM-0430

Authored by:

Lynne Dible, General Services

cc:

Andre Monostori, General Services