

Policy and Administrative Regulation Title:	Electronic Signature Use Policy
Term and expiration:	Ratification Effective Date:
Approved by Board of Directors:	Date approved by the Board of Directors:
Approved by the General Manager:	Date approved by the General Manager:
Recommended by Human Resources Manager:	Date recommended by Human Resources Manager:

I. Purpose of Administrative Policy and Applicability

The Santa Barbara Metropolitan Transportation District's (District) eSignature Policy is intended to ensure convenient, timely, and appropriate access to District information through the use of electronic signature technology to collect and preserve signatures on documents quickly, securely, and efficiently. In addition to improving productivity and efficiency, this Policy furthers the District's Environmental Policy by reducing the consumption and storage of paper documents, as well as the maintenance and supply requirement associated with printers.

This Policy establishes when electronic signature technology may replace a handwritten signature, with the goal of encouraging the use of paperless, electronic documents whenever appropriate and allowed by law. This Policy applies to all signatures used in processing various District documents and the District signer has been given the authority to sign as determined by the District's business process.

While the use of electronic signatures is suggested and encouraged, this Policy does not require the use electronic signatures, nor can the District mandate that any third party signing a document use electronic signatures.

This Policy authorizes the Santa Barbara Metropolitan Transit District ("MTD"/"District") to accept an approved electronic signature, in lieu of a written "wet" signature, on a document in which a signature is required or used, which complies with the legal use of Electronic Signatures governed by federal and state law. (See 15 U.S.C. §§ 7001, et seq. [U.S. Federal Electronic Signatures in Global and National Commerce Act]; California Government Code §16.5; California Civil Code §§ 1633.1, et seq.) and this Policy.

This Policy applies to documents requiring a signature of any person where the signature is intended to show authorship, approval, authorization, or certification, as allowed by law. It is the policy of the District to encourage the use of electronic signatures in all internal and external activities, documents, and transactions where it is operationally feasible to do so,

where existing technology permits, and where it is otherwise appropriate based on District preferences. In such situations, affixing an electronic signature to a document in a manner consistent with this Policy shall satisfy the District's requirements for signing a document. As used in this Policy, the term "signature" includes using initials on a document instead of a signature.

This Policy does not supersede laws that specifically require a written "wet" signature. This Policy does not limit the right or option to conduct the transaction on paper or in non-electronic form and the right to have documents provided on paper.

II. Policy Definitions

A. An electronic signature means an electronic identifier (electric sound, symbol, or process) created by a computer, attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record.

B. A "digital signature" is a specific type of electronic signature technology that uses cryptography (Public Key Infrastructure – "PKI") to provide additional proof of the identity of the signer and integrity of a document (issues digital certificates), that shall have the same force and effect as a manual signature ("wet" signature) if and only if it embodies the following attributes pursuant to Government Code § 16.5:

- It is unique to the person using it;
- It is capable of verification;
- It is under the sole control of the person using it;
- It is linked to data in such a manner that if the data are changed, the digital signature is invalidated; and
- It conforms to regulations adopted by the Secretary of State.

III. General Provisions

A. In any document accepted by the MTD in which a signature is required or used, the District may authorize the use of an electronic signature, so long as it complies with the requirements of this section.

B. To the fullest extent permitted by law, the MTD accepts electronic signatures as legally binding and equivalent to handwritten "wet" signatures to signify an agreement.

C. The final approval of any electronic signature method will be by the General Manager, in consultation with General Counsel and Manager of Information Technology.

D. The General Manager by and through subordinate staff, shall determine acceptable technologies and vendors consistent with industry best practices to ensure the security and integrity of the data and the signature. The General Manager by and through subordinate staff shall further determine the documents for which the District will accept electronic signatures. Periodic reviews will be implemented for appropriateness and continued applicability of electronic signatures.

E. If it is determined that an approved electronic signature method is no longer trustworthy, the General Manager must revoke the approval of that electronic signature method. If there is continued significance for the electronic signatures, which used the revoked method, the General Manager by and through subordinate staff will take steps to see that any valid records signed with the revoked electronic signature method are signed again either with a written “wet” signature or with an approved electronic signature method.

F. MTD’s right or option to conduct a transaction on paper or in non-electronic form shall not affect the District’s right, option or obligation to have documents provided or made available in paper format.

G. Where a legal requirement, beyond District policy, requires a written document, that requirement is met when an electronic record has associated with it an electronic signature using an approved electronic signature method, which complies with applicable state law.

H. This Policy applies to transactions between external parties which have agreed to conduct transactions by electronic means with the use of the MTD’s approved electronic signature method.

I. This policy does apply to all internal employees and internal employee documents, where electronic or digital signatures are applicable (and documents which may be amended from time to time).

J. This Policy shall not apply to any transaction that requires a person’s “wet” signature to be signed in the presence of a notary public.

IV. General Manager Discretion to Approve Electronic/Digital Signature Platforms/Authorizations and Delegations

A. The MTD recognizes that due to the nature of some documents, various types of electronic and/or digital signature platforms may be necessary and/or desirable. The General Manager shall have discretion as to which electronic/digital signature platforms to utilize for operational purposes.

B. The General Manager, in consultation with General Counsel and appropriate subordinate staff, shall determine the types of documents to use on each different platform, for ease of operations, and document security as may be needed.

C. The cost of such electronic/digital signature platforms and related costs shall be a District expense.

D. The General Manager has within their sole discretion to approve and/or reject electronic/digital signature platforms for any reason, including but not limited to cost, security, non-compliance, or any other reason that may manifest itself at any time.

E. The General Manager has within their sole discretion to authorize and delegate (including deny, limit, rescind, or modify) signature authorizations and delegations to various staff members, at any time.