

# MEMORANDUM

<b>DATE</b>	May 5, 2020
<b>FROM</b>	<b>James Beaton</b> Manager of Institutional Compliance
<b>TO</b>	Management Leadership Team
<b>SUBJECT</b>	Electronic signatures
<b>NOTE</b>	This memorandum has been endorsed by Simon Griffiths on behalf of the Executive Leadership Team and may be further distributed to other college employees.

## PURPOSE OF THIS MEMORANDUM

During the COVID-19 pandemic, many employees are working remotely, preventing the exchange of hard-copy documents for signing. In addition, not all employees have printing and scanning capabilities at home in order to print, sign, and scan documents. As a result, electronic signatures (or e-signatures) have become necessary in some cases.

E-signatures are legally binding on almost all documents in Alberta. The college's governance documents do not prohibit e-signatures, and the college's Contracts and Signing Authority Policy does not distinguish between wet-ink signatures and e-signatures. Thus, the college is largely free to adopt whatever position it wishes.

This memorandum promotes a flexible, consistent, and legally-sound approach to e-signatures across the college and also confirms that we, as a public body, accept e-signatures.

## QUESTIONS?

A document accompanying this memorandum has been prepared by Information Technology Services to guide users of Adobe Fill & Sign. Questions about the different tools available for applying e-signatures and how to use them should be directed to Information Technology Services. Other questions about this memorandum should be directed to myself.

## GUIDELINES FOR THE USE OF E-SIGNATURES

1. The college accepts e-signatures subject to these guidelines and the following table.
2. E-signatures and the records to which they are applied are subject to the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25, just like wet-ink signatures and hard-copy records.
3. When e-signatures are used, both the college and anyone else applying their e-signature must be able to retain a copy of the record, either in electronic or hard-copy form. If this requirement cannot be met, then wet-ink signatures must be used.
4. To facilitate the use of e-signatures, the college has made Adobe Fill & Sign available to Management Leadership Team members. Signatures applied using this tool are verified through the user's college email account.
5. **For contracts that the college sends**, Adobe Fill & Sign is the preferred tool, but other types of e-signatures are acceptable. Wet-ink signatures continue to be acceptable. An email stating that it constitutes a signature will not be accepted.
6. **For contracts that the college receives**, the college will use the other party's preferred tool (e.g. DocuSign), if specified. If the other party does not accept e-signatures, wet-ink signatures must be used instead. An email stating that it constitutes a signature will not be accepted by the college, even if accepted by the other party.
7. **For contract cover sheets**, Adobe Fill & Sign is the preferred tool, but other types of e-signatures are acceptable. Wet-ink signatures continue to be acceptable.
8. **For internal college forms**, the instructions on the form should be followed. If the instructions on the form do not specify what type of signature is required, any type of e-signature or wet-ink signature is acceptable. However, an email stating that it constitutes a signature will only be accepted if the department responsible for the form specifically says it will accept an email; this is because of the extra administrative work associated with retaining emails and forms together.
9. This memorandum will be published on the college's public-facing website in order to fulfil the requirements of section 19 of the *Electronic Transactions Act*, SA 2001, c E-5.5. It may be replaced by a Standard Operating Procedure at a later date.
10. This memorandum will remain in effect until removed from the college website. If that happens, the Management Leadership Team will be notified.

	wet-ink signatures	e-signatures	digital signatures
<b>What are they?</b>	pen on paper	electronic information that a person creates or adopts in order to sign a record and that is in, attached to or associated with the record	a subset of e-signatures with enhanced security features that help to ensure that the signature is applied by the right person, to the right document
<b>What are some examples?</b>	<ul style="list-style-type: none"> <li>• pen on paper</li> <li>• a signed hard-copy record that is then scanned</li> </ul>	<ul style="list-style-type: none"> <li>• a signature applied using <b>Adobe Fill &amp; Sign</b></li> <li>• a signature that is scanned and then inserted into an electronic document</li> <li>• a mark created on a mobile device with a finger or stylus</li> <li>• plain text typed into an electronic document</li> <li>• a checked checkbox</li> <li>• an email stating that it constitutes a signature</li> </ul>	<ul style="list-style-type: none"> <li>• a signature applied using <b>Adobe Sign</b> (this is different than Adobe Fill &amp; Sign) or <b>DocuSign</b></li> </ul>
<b>When are they NOT legally permissible?</b>	<ul style="list-style-type: none"> <li>• a signed hard-copy record that is then scanned might not constitute an “original” record, which is required for some legal purposes</li> </ul>	<ul style="list-style-type: none"> <li>• negotiable instruments</li> <li>• guarantees under the <i>Guarantees Acknowledgment Act</i></li> <li>• land titles documents</li> <li>• contracts for an interest in land</li> <li>• assignment of intellectual property</li> <li>• whenever legislation specifically prohibits e-signatures</li> <li>• whenever the other party doesn’t consent to e-signatures</li> </ul>	