

Management Committee

Meeting date: 5/11/2016

For the Metropolitan Council meeting of 5/25/2016

Subject: Approval of the Electronic Signature Policy for the Metropolitan Council.

District(s), Member(s): All

Policy/Legal Reference: MN Statutes 302A.015, 325L.02

Staff Prepared/Presented: Carah Koch, Director Enterprise Content Management

Division/Department: Regional Administration/Enterprise Content Management

Proposed Action

Approval of the Electronic Signature Policy for the Metropolitan Council.

Background

This policy defines the use of electronic signatures by Council staff in internal and external transactions supporting Council activities. The Electronic Signature in Global and National Commerce Act (ESIGN) passed by the U.S. Congress in 2000 and the Minnesota Uniform Electronic Transaction Act (UEFA) have created the opportunity for federal, state and local agencies to legally conduct transactions using e-signature processes and technologies. The approval of this policy ensures that the Council's electronic signature processes provide security for all electronic signature transactions, and its application and use is consistent across the organization.

Rationale

Council staff across the organization conduct daily transactions that require signature approval. In many cases this need for "wet" signatures results in a time consuming transactional process that involve physically routing documents from individual to another to capture this signature. Department and division staff also require signatures from external customers and partners to conduct Council business. The ability to capture these signatures electronically would significantly improve the efficiency of these processes, and in both internal and external transactions, would make it easier for staff to track the status of the approval process throughout its lifecycle. This policy will enable the Council to effectively and efficiently manage these activities, and supports the Thrive 2040 principles of integration, collaboration, and accountability.

Funding

Policy approval

Known Support / Opposition

The Policy and Procedure Steering Committee reviewed the proposed policy and no Steering Committee member requested changes. Department staff in multiple divisions are supportive of the adoption of this policy to increase the effectiveness of their business processes.

E-Signature Policy

Section/Number:	Finance and Asset Management 3-11	Total Pages:	3
Dept. Responsible:	Enterprise Content Management	Effective Date:	6/1/2016
Special Note:		Last Revision Date:	
		Last Review Date:	5/11/2016
		Revision No.	1

I. Policy

The Metropolitan Council may accept electronic records and electronic signatures instead of paper records and signatures. The Council's definition of an electronic signature is consistent with the Minnesota Uniform Electronic Transaction Act (Minnesota Statutes Ch. 325L) and applicable federal laws.

The Council will provide criteria and procedures for authentication of electronic signatures and establishing to a reasonable certainty the validity, security, and linkage of a specific, unaltered, electronically transmitted document, its unforged signature, and its authorized signer. The Metropolitan Council will consider any document with a forged or unverified signature invalid.

II. Purpose of policy

The policy is to ensure that the Metropolitan Council's electronic signature processes provide security for all electronic signature transactions.

III. Background and reasons for policy

The Metropolitan Council has determined that the use of electronic signatures will result in significant improvements in efficiency for business units. In addition, this policy and the Electronic Signature Procedure will allow Metropolitan Council staff to effectively support electronic signature software systems for transactions and help ensure the integrity of electronic signatures.

IV. Implementation

Implementation of this policy will be Council-wide. The Enterprise Content Management and Information Services staff, as well as the business unit utilizing the electronic signature capabilities, will be responsible for developing and implementing procedures, and ensuring and monitoring compliance. Roles and responsibilities are defined in the procedure.

Links:

<https://www.revisor.mn.gov/statutes/?id=325L.02>

<https://www.revisor.mn.gov/statutes/?id=302A.015>



Minnesota Uniform Electronic Transaction Act

325L.02 DEFINITIONS.

(a) "Agreement" means the bargain of the parties in fact, as found in their language or inferred from other circumstances and from rules, regulations, and procedures given the effect of agreements under laws otherwise applicable to a particular transaction.

(b) "Automated transaction" means a transaction conducted or performed, in whole or in part, by electronic means or electronic records, in which the acts or records of one or both parties are not reviewed by an individual in the ordinary course in forming a contract, performing under an existing contract, or fulfilling an obligation required by the transaction.

(c) "Computer program" means a set of statements or instructions to be used directly or indirectly in an information processing system in order to bring about a certain result.

(d) "Contract" means the total legal obligation resulting from the parties' agreement as affected by this chapter and other applicable law.

(e) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(f) "Electronic agent" means a computer program or an electronic or other automated means used independently to initiate an action or respond to electronic records or performances, in whole or in part, without review or action by an individual.

(g) "Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

(h) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(i) "Governmental agency" means an executive, legislative, or judicial agency, department, board, commission, authority, institution, or instrumentality of the federal government or of a state or of a county, municipality, or other political subdivision of a state.

(j) "Information" means data, text, images, sounds, codes, computer programs, software, databases, or the like.

(k) "Information processing system" means an electronic system for creating, generating, sending, receiving, storing, displaying, or processing information.

(l) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity.

(m) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(n) "Security procedure" means a procedure employed for the purpose of verifying that an electronic signature, record, or performance is that of a specific person or for detecting changes or

errors in the information in an electronic record. The term includes a procedure that requires the use of algorithms or other codes, identifying words or numbers, encryption, or callback or other acknowledgment procedures.

(o) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band, or Alaskan native village, which is recognized by federal law or formally acknowledged by a state.

(p) "Transaction" means an action or set of actions occurring between two or more persons relating to the conduct of business, commercial, or governmental affairs.

Revision/Review Tracking

Date	Revision No.	Review Only – No changes
	1	