

## ELECTRONIC AND DIGITAL SIGNATURES

<b>POLICY NO</b>	CP 183.24
<b>DIVISION DEPARTMENT</b>	Administration
<b>REVIEW PERIOD</b>	Every 3 Years or Upon Legislative Change

### 1. POLICY PURPOSE

- 1.1 To establish a reliable and consistent approach to the use of Electronic and Digital Signatures and provide guidance on when electronic submissions are considered official and acceptable by the Town to expedite workflow processes, modernize Records, reduce the need for physical recordkeeping and improve customer service.

### 2. POLICY STATEMENT

- 2.1 The Town of Blackfalds is committed to streamlining services using the most up-to-date technology to continue providing excellent customer service. This Policy and related Administrative Procedure will identify the types of documents for which Electronic Signatures will be acceptable and the manner in which an Electronic or Digital Signature must be provided.

### 3. DEFINITIONS

- 3.1 **“Administrative Procedure”** means specific written processes that support a policy. Procedures that are created, amended or made obsolete require the approval of the CAO.
- 3.2 **“CAO”** means the individual appointed by Council to the position of Chief Administrative Officer as per the *Municipal Government Act*.
- 3.3 **“Corporate Recordkeeping Standard”** means the comprehensive document used as a standard for Records management tools, including a classification scheme and retention schedule.
- 3.4 **“Council”** means all elected officials of the Town of Blackfalds.
- 3.5 **“Digital Certificate”** means a certificate that contains data about the entity that issued the certificate along with encryption data that can be used to verify the identity of the person linked to the Digital Certificate.
- 3.6 **“Digital Signature”** means a unique digital “fingerprint” (encryption) embedded into documents linking the signer and document using a certificate-based digital ID (a digital certificate) unique to the signer and used when the identity of the signer may need to be proven or to ensure the document has not been altered. This type of signature requires

the use of a signature-creating application that has been authenticated by a Digital Certificate.

- 3.7 **“Electronic Signature”** means as defined in Electronic Transactions Act, 2001, cE-5.5, "electronic signature" means 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. This can be as simple as a typed word, name, or ticked box, or even an electronic version of a handwritten signature on an electronic document. It is used to indicate the intent to approve or accept the contents of a document.
- 3.8 **“Electronic Signature Software”** the software used by the Town when execution or sign-offs of documents are required.
- 3.9 **“Employee”** means, as defined in S.1(e) of the FOIP Act, includes any person who performs a service for the public body as an appointee, volunteer or student or under a contract or an agency relationship with the public body.
- 3.10 **“Information Technology Services”** (IT Services) means the Town of Blackfalds Employees who are authorized to perform hardware and software maintenance on Town of Blackfalds computer systems and other devices.
- 3.11 **“Record”** means any Record of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes:
- 3.11.1 Correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine-readable Record, any other documentary material, regardless of format or location, and any copy thereof, and
- 3.11.2 Subject to the regulations of the Freedom of Information and Protection of Privacy Act, any Record that is capable of being produced from a machine-readable Record under the control of an institution by means of computer hardware and software or any other information storage equipment and technical expertise normally used by the institution.
- 3.12 **“Town”** means the municipality of the Town of Blackfalds.
- 3.13 **“Wet Signature”** means a hand-written signature that has been transferred to paper with pen and ink.

#### **4. SCOPE**

- 4.1 This Policy applies to Town Council and Employees engaging in internal and external transactions involving signatures in which they represent the Town.

- 4.2 This Policy applies to all Town-owned or created documents and/or external documents where execution or sign-offs are required. These include forms, applications, agreements and correspondence where there is a need for a signature from the Town or an external third party and only when statutory or regulatory requirements allow for Electronic Signatures or electronic submissions.

## **5. AUTHORITY AND RESPONSIBILITIES**

### 5.1 Council to:

- 5.1.1 Adopt and support this Policy by resolution.
- 5.1.2 Consider the allocation of resources for the successful implementation of this Policy in the annual budget process.
- 5.1.3 Approve any exceptions to this Policy.

### 5.2 Chief Administrative Officer to:

- 5.2.1 Advise Council on the development, implementation, and amendment of this Policy.
- 5.2.2 Bind the Town as delegated by Council.
- 5.2.3 Establish Administrative Policies and Procedures for carrying out this Policy, ensuring the development and maintenance of an Electronic and Digital Signatures Administrative Procedure that prescribes guidelines and acceptable use.
- 5.2.4 Ensure that language is incorporated into all Town agreements informing parties that an Electronic or Digital Signatures will be used and treated with the same force as a Wet Signatures unless the third party does not agree to sign using an Electronic or Digital Signature, in which case a Wet Signature shall be accepted.
- 5.2.5 Ensure safeguards are in place to protect against unauthorized use of Electronic and Digital Signatures.
- 5.2.6 Ensure Policy review occurs and verify the implementation of this Policy.

## **6. POLICY**

### 6.1. Recognition of Electronic and Digital Signatures

- 6.1.1 The Town recognizes that electronic signatures are not to be denied legal effects, validity, or enforceability merely because they are in electronic form. At the same time, this Policy does not affect the Town's ability to conduct transactions using Wet Signatures.

- 6.1.2 The Town will not allow for the use and acceptance of an Electronic or Digital Signature where the applicable legislation or Town's Policies prescribe the use of a Wet Signature.
- 6.2. Consent
- 6.2.1 Use of an Electronic or Digital Signatures will only be used with the consent of all parties (including consent of the Town, in accordance with this Policy and Administrative Procedures). The Town will not require other persons to use an electronic signature without their consent. Where a Wet Signature is requested, the Town will consent to its use.
- 6.3. Use Standards
- 6.3.1 The use of Electronic and Digital Signatures is permitted and shall have the same force and effect as the use of Wet Signatures if all the following criteria are met:
- 6.3.1.1 The signature has been generated using an acceptable form of technology to generate and save the signature. Acceptable forms of technology shall be determined by IT Services.
- 6.3.1.2 The signature is capable of verification.
- 6.3.1.3 The signature is under the sole control of the person using it.
- 6.3.1.4 Electronic notifications requesting Electronic and Digital Signatures are not forwarded to a third party unless the authority to sign the documents has been properly delegated through an acceptable form of technology (e.g. an automated document workflow process).
- 6.3.1.5 The signature can be linked to the data in such a manner that it is readily ascertainable if the data has been changed after the signature is applied. All documents submitted for Electronic Signature must be in PDF format.
- 6.4. All electronic submissions received are subject to the *Freedom of Information and Privacy Act*, RSA 2000, Chapter F-25., as amended and *Personal Information Protection and Electronic Documents Act*, S.C. 2000, c.5, where applicable.

**7. EXCLUSIONS**

7.1 This Policy excludes the use of Electronic and Digital Signatures for the following:

- 7.1.1 Records that create or transfer interests in land, including interests in mines and minerals;
- 7.1.2 Negotiable instruments;
- 7.1.3 Council and Committee Minutes (exceptions may be made when the Chair is away for extended periods of time); and
- 7.1.4 Town Bylaws.

**8. SPECIAL SITUATIONS**

None

**9. RELATED DOCUMENTS**

- 9.1. *Electronic Transactions Act*, RSA 2001, cE-5.5
- 9.2. Section 213(5) of the *Municipal Government Act*, RSA 2000, Chapter M-26
- 9.3. *Freedom of Information and Privacy Act*, RSA 2000, Chapter F-25
- 9.4. *Personal Information Protection and Electronic Documents Act*, S.C. 2000
- 9.5. Town of Blackfalds Records and Information Management Bylaw
- 9.6. Administrative Procedure - Electronic and Digital Signatures

**10. END OF POLICY**

-Original Signed-  
Mayor

-Original Signed-  
Chief Administrative Officer

-Original Dated-  
Date

-Original Dated-  
Date

**POLICY RECORD HISTORY**

	<b>Resolution No:</b>	<b>Date</b>
Policy Adopted	<b>130/24</b>	<b>April 23, 2024</b>
Policy Reviewed		
Policy Revised		

**ADMINISTRATIVE REVISIONS**

Date	Description