



# Secure Sign and legality

This document aims to identify how Galaxkey helps to meet the legal requirements for electronic signatures. The information is provided as a public resource to help individuals and businesses understand electronic signature legality. Legality is dependent on the application, the country and the evidential weight that a solution provides to prove the authenticity of electronic signatures.



## What are electronic signatures

- ▶ Electronic signatures deliver a way to sign documents online, much like signing a paper document by hand using wet ink. It is legally defined as 'data in electronic form which is attached to or logically associated with other data in electronic form and which is used by the signatory to sign'.
- ▶ Electronic signatures take various forms including typed signatures, scanned signatures, signatures using an e-pen or finger on a device and inserting a typed or handwritten font signature using an electronic signature platform, like Galaxkey's Secure Sign.
- ▶ Businesses increasingly use electronic signature platforms to securely sign electronic documents due to the advantages over other forms of electronic signatures or traditional handwritten signatures. The right electronic signature platform can create signatures that provide a superior level of authenticity and security than a scanned signature.

## Regulation

Electronic signatures are legally admissible for most business applications and in the majority of countries worldwide. Exceptions may exist where only handwritten signatures in wet ink are accepted.

- ▶ There are laws that govern the use of electronic documents and electronic signatures in the countries where electronic signatures are recognised.
- ▶ Since 2000, the UK has accepted electronic signatures when the UK's Electronic Communications Act 2000 was adopted and in 2002 the Electronic Signatures Regulation 2002 was enforced. The EU is governed by the Electronic Identification, Authentication and Trust Services (eIDAS) Regulation. In 2016, the eIDAS Regulation was implemented into UK law by the Electronic Identification and Trust Services for Electronic Transactions Regulation, standardising electronic signatures across the EU.



- ▶ The regulation defines different types of electronic signatures, but the enforceability of an electronically signed document, irrespective of the technology used, depends on the evidence associated with the electronic signature.
- ▶ In most countries, an electronic signature can't be rejected on the basis that it is electronic. It should be admissible in most courts, subject to associated evidence or proof of validity.
- ▶ Business practices and the law in the UK favours electronic signatures.





## The Galaxkey platform and Secure Sign

Galaxkey's Secure Sign enables you to electronically sign documents and provides the necessary support for legality of its electronic signatures and signature transactions.



- ▶ Galaxkey's architecture is inherently secure (Secure by design) and is trusted and used by thousands of businesses worldwide. A combination of Galaxkey's secure foundation and the Secure Sign functionality helps demonstrate the authenticity of the electronic signature to validate it is legally binding.
- ▶ By using the Galaxkey platform, increased evidential weight and legal assurances are provided to the electronic signature, the process and the transaction. Galaxkey secures all the data (documents and signatures), provides access control, enforces authentication, uniquely links the data and signatures to the signatory's identity and generates a digital audit trail.
- ▶ Corporates and organisations can easily extend Galaxkey's Secure Sign platform to blockchain which is a universally accepted public registry.
- ▶ A primary reason why businesses choose to use electronic signature platforms over other forms of electronic signatures and traditional handwritten signatures is due to the increased evidential weight and legal assurance an electronic signature platform provides.

## How Secure Sign supports the legal requirements for electronic signatures

An electronic signature is admissible as proof of the authenticity and integrity of an electronic document. However, if disputed, the nature of the electronic signature will determine the evidential weight attributed to the electronic signature in a court.

Galaxkey demonstrates the authenticity, integrity and non-repudiation of the electronic signature generated using its platform, providing evidence for the legality of the electronic signature and signature transaction.



### Galaxkey's Secure Sign supports legality in multiple ways

- ▶ It confirms the signatory's intent to electronically sign the document
- ▶ It provides multiple authentication mechanisms to verify the identity of the signatory
- ▶ It gives the signatory control over the entire signature process
- ▶ It links the signatory to the electronic signature
- ▶ It ensures that only the signatory has access to the unique signature he/she creates
- ▶ It links the signatory to the document or signature transaction
- ▶ It provides an audit log of activities for the signature process
- ▶ It secures the electronic signature, process and document from unauthorised access



# How Galaxkey accomplishes this



## The Galaxkey platform is secure by design

Galaxkey is a data protection platform that provides commanding technologies to protect all types of data including documents and electronic signatures. Galaxkey combines both AES 256 and RSA 2048 to provide state of the art encryption to secure all data.



### Galaxkey secures the electronic signature and provides strong access control

The signatory's electronic signature is secured with the signatory's identity. This ensures that the electronic signature file is uniquely secured (encrypted) for the signatory. It can only be accessed when the signatory authenticates with the Galaxkey platform. Ensuring that only the signatory can access and use the signature. Even if someone other than the signatory was to gain access to the signature file, the signature would not be usable as it is secured for that signatory only.



### Galaxkey secures the document and provides strong access control

The electronically signed document is secured (encrypted) by Galaxkey so that only the document owner and the designated signatories can access the document. It is only accessible on successful authentication by the signatories. Ensuring unauthorised access to the document is improbable.



## Galaxkey provides multiple mechanisms for authentication

The Galaxkey Platform offers an extensive choice of inherent, sophisticated authentication mechanisms to verify the signatory's identity. Galaxkey does not store the signatory's password, ensuring the signatory maintains complete control of his/her electronic signature and data.

Additionally, Galaxkey offers multifactor authentication so that the signatory can ascertain his/her identity using multiple methods and as thoroughly as required.

This strong and multi-layered authentication upholds the signatory's identity, links the signatory to the electronic signature and reduces the risk of repudiation.



## The signing process is secure

### The signatory is in control of the signature process

The signatory must be a registered Galaxkey user and must authenticate to undertake the signature process. Using the Galaxkey platform the signatory is in control of the signatory process and can confidently generate an electronic signature and electronically sign a document.



### The process is secure

To action any part of the electronic signature process, security measures must be adhered to. Once authenticated the signatory can configure an electronic signature, electronically sign a document or decline to electronically sign a document.





### The signatory consents to sign electronically showing intent

- ▶ Before the signatory is allowed to electronically sign the document, the signatory is requested to consent to the electronic signature process and accept that the electronic signature is legally binding.
- ▶ If the signatory declines to consent, the signatory will not be able to proceed with the electronic signature process and electronically sign the document.
- ▶ The consent is recorded and proves the signatory's intent to electronically sign the document. This demonstrates that the signatory understands and agrees that the electronic signature and signature transaction is legally binding.



### The electronic signature is linked to the signatory and the data

- ▶ The signatory must log in to the Galaxkey system to configure his/her electronic signature. The signing of the document is an automated process which involves the signatory placing the configured signature at the designated place.
- ▶ Since these actions are only possible when the signatory is registered, has agreed to policies and is signed in to the Galaxkey system, the electronic signature is linked to the signatory and to the document.
- ▶ Additionally, the signature and document are both secured with the signatory's identity, so only the signatory can access and use that signature, further verifying the signatory and the authenticity of the electronic signature and transaction. This means repudiation is unlikely.



### The document is available and accessible

Once the signatory electronically signs the document a secured (encrypted) copy of the document is automatically sent via email to the signatory. This ensures that the signatory has access to a copy of the document that he/she has electronically signed.

Access to this document is controlled as the secured document is only accessible by the signatory after successful authentication.

By authenticating and logging in to the Galaxkey Manager Portal, the document owner can access the document at any time (it is always available) to monitor the status of the signature process and to view a current secured copy of the document whenever required.





## A Digital audit trail of the signature process exists

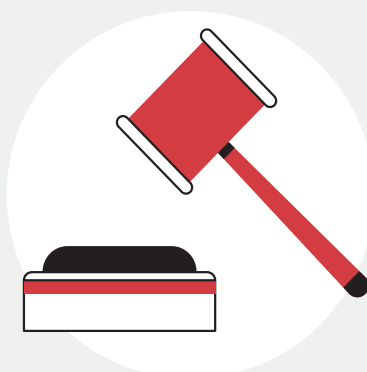
Galaxkey creates a digital audit trail for each step in the signature process. Whenever a signatory actions a step in the process, each action is recorded “read-only” as an audit log and can’t be tampered with.

The entire activity history of the electronic signature process is recorded and can be viewed whenever required.

### The activities logged include:

- ▶ Document creation
- ▶ Electronic signature configuration
- ▶ Signatory consent to electronically sign
- ▶ When electronic signing occurs
- ▶ When declining to electronically sign occurs
- ▶ Subsequent changes made to the signature
- ▶ Completion of the signature process

## Legally-binding electronic signatures



- ▶ Electronic signatures are only as secure as the business processes and technologies used to generate them. Businesses involved in commercial and high-value transactions need quality and legally-binding electronic signatures.
- ▶ Electronic signatures that uniquely and securely link to the signatory and provide authentication, integrity and non-repudiation provide the level of assurance and ensure trust in the underlying system.
- ▶ This means that the signature is capable of identifying the signatory, there is a high level of confidence that the signatory is in control of the signature process and that the signature is linked to the data.
- ▶ Galaxkey’s Secure Sign solution enables you to electronically sign documents and provides the necessary support for legality of the digital signatures required by the UK, the EU and other countries’ laws governing electronic signatures.
- ▶ With the supporting evidence that Galaxkey provides, the possibility for a signatory to deny the authenticity of a Galaxkey electronic signature and electronic document transaction is very unlikely as the signatory would need to provide evidence to prove otherwise.

