

<i>ELECTRONIC AND DIGITAL SIGNATURE POLICY</i>	POLICY	
	Document Number:	OGC-PL-1005
	Version Number:	01

1.0 Purpose:

The purpose of this policy is to establish guidelines when using or accepting electronic or digital signatures in place of manual signatures to conduct agency transactions.

2.0 Scope:

This policy applies to any electronic or digital signature originated or received by Santa Clara Valley Transportation Authority (VTA) Board Members, employees, consultants, contractors, and agents that involves providing signature, approval, authorization, or certification. However, this policy does not apply to any facsimile signatures printed on checks issued by VTA.

3.0 Responsibilities:

3.1 The Office of the General Counsel is responsible for:

3.1.1 Providing legal review of changes in law.

3.2 The Chief Information Officer and IT team are responsible for:

3.2.1 Identifying technical solutions that adhere to this policy.

3.2.2 Determining the level of security, including any certificate format, required or permitted for any proposed application of electronic signature.

3.3 The Executive Management Team and Division Chiefs are responsible for:

3.3.1 Assuring compliance with this policy and its guidelines within his or her business area.

3.3.2 Determining particular transactions or instances where electronic or digital signatures may be used or accepted within his or her business area.

3.4 The Information Technology Records Analyst (ITRA) and extended Records Information Management Team are responsible for:

3.4.1 Providing guidance and training to business areas on adhering to this policy.

3.4.2 In consultation with the Office of the General Counsel, developing and maintaining policies, guidelines and procedures to ensure that digital signatures are being used in accordance with applicable Federal and State regulations.

3.5 VTA Board Members, employees, consultants, contractors, and agents are responsible for:

3.5.1 Complying with this policy when utilizing electronic or digital signatures.

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4.0 Policy:

It is VTA's policy to allow the use and acceptance of electronic or digital signatures in lieu of manual signatures as further specified in this Policy.

4.1 Electronic Signatures

Electronic Signatures may convey the intent of an individual to sign a record and are often easier to implement. Electronic signatures may be used or accepted for internal VTA use or for uses where the department head determines there is low risk from using an electronic signature.

Electronic signatures may not be used when a manual signature or a digital signature is required or reduces risk.

VTA's use or acceptance of an electronic signature shall be at the option of the department head. There is no requirement that VTA use or permit the use of an electronic signature. Similarly, VTA may not require parties to use electronic signatures; use of electronic signatures requires consent of all parties to the transaction.

The presence of an electronic signature does not mean that a record was properly signed or that the signatory was authorized. Department heads must identify the person by position who is authorized to sign, approve, and/or prevent unauthorized actions from being taken as a result of an electronic signature.

4.2 Digital Signatures

The use of a digital signature shall have the same force and effect as the use of a manual signature if and only if it embodies all of the following attributes as set forth by Government Code Section 16.5:

- (1) It is unique to the person using it.
- (2) It is capable of verification.
- (3) It is under the sole control of the person using it.
- (4) It is linked to data in such a manner that if the data are changed the digital signature is invalidated.
- (5) It conforms to the regulations adopted by the Secretary of State.

Digital Signatures may be used where simple electronic signatures are acceptable and authorized for use. They may be used or accepted for any record or document where a signature is required by Federal law, California law, or by VTA policy unless a handwritten signature is explicitly required.

VTA's use or acceptance of a digital signature shall be at the option of the department head. There is no requirement that VTA use or permit the use of a digital signature.

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Similarly, VTA may not require parties to use digital signatures; use of digital signatures requires consent of all parties to the transaction.

4.2.1 Regulatory Environment

VTA is committed to promoting and conducting business electronically and in compliance with all applicable laws and regulations. As such, this policy is intended to be in compliance California Uniform Electronic Transactions Act [UETA] (Civil Code Section 1633.1 *et seq.*); California Government Code Section 16.5; and California Code of Regulations Title 2, Div. 7, Chapter 10, Sections 22000, *et. seq.*, as well as any other applicable state or federal regulations.

4.2.2 Digital Signature Format

No digital signature format may be used or accepted by VTA unless the it has first been approved by the Information Technology Department in consultation with the Office of the General Counsel, to ensure that it complies with UETA; California Government Code Section 16.5; and California Code of Regulations Title 2, Div. 7, Chapter 10, Sections 22000, *et. seq.*, as well as any other applicable state or federal regulations.

5.0 Definitions:

Digital Signature means an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature. By way of example and not of limitation, digital signatures include the submission of an application for a permit or the certification of a record by use of technology approved by the State of California for digital signatures, such as Public Key Cryptography or Signature Dynamics.

Electronic signature is a paperless method used to authorize or approve documents which indicates that a person adopts or agrees to the meaning or content of the document. Cal. Civil Code says an “Electronic signature” means an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record. By way of example and not of limitation, electronic signatures include email signature blocks, PDF copies of manual signatures without receipt of the manual signature, and the use of an electronic submission or approval mechanism that does not employ technology approved by the State of California for digital signatures, such as Public Key Cryptography or Signature Dynamics.



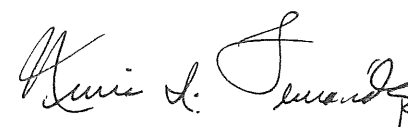
Transaction means an action or set of actions occurring between two or more persons relating to the conduct of business, commercial, or governmental affairs.

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6.0 Summary of Changes:

Initial release of this policy.

7.0 Approval Information:

<i>Prepared by</i>	<i>Reviewed by</i>	<i>Approved by</i>
 Ann Mangiaracina IT Business Systems Analyst	 Robert Fabela General Counsel	 Nuria I. Fernandez General Manager/CEO

6/23/15
Date Signed