

Electronic signature usage at the Consumer Financial Protection Bureau

Responses to 21st Century Integrated Digital Experience Act
reporting requirement

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1. Introduction

On December 20, 2018, the President signed into law the 21st Century Integrated Digital Experience Act or the 21st Century IDEA (“the Act”), Public Law No. 115-336. The Act, which is applicable to the Consumer Financial Protection Bureau as an executive agency, mainly seeks to improve the digital services of executive agencies.

The Act contains several reporting requirements, one of which requires the Bureau’s Director to submit to the Director of the Office of Management and Budget (OMB) and the appropriate congressional committees a plan to accelerate the use of electronic signatures standards established under the Electronic Signatures in Global and National Commerce Act (E-SIGN Act, 15 U.S.C. 7001 et seq.). The E-SIGN Act defines “electronic signature” as “an electronic sound, symbol, or process, attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record.”¹

Based on a guidance from OMB² and our plain language reading of the Act, this report provides an overview of electronic signature usage at the Bureau and our commitment to continue to use electronic signatures in all feasible scenarios.

¹ 15 U.S.C. § 7006(5).

² Email from Deputy Federal CIO, Margie Graves sent to CIO Council Support listserv on June 6, 2019 and telephone conversations with OMB desk officer on May 23 and June 3, 2019.

2. Current state of electronic signature usage

The Bureau is a 21st century agency, founded in the digital era, and as such technology is an integral part of how we conduct our business. The Bureau's website and digital services are modern and accessible, ensuring the public can easily engage with the information and guidance we provide.

2.1 External

The Bureau does not have significant transactions with the public that require signatures, electronic or otherwise.

Information and data submissions to the Bureau are managed electronically but do not include signatures for the purposes of these transactions. For example, the Submit a Complaint portal³ enables individuals to submit information about their interactions with financial companies through an entirely electronic process, including their final confirmation.

In general, the Bureau conducts business electronically including all operational transactions with vendors outside the Bureau. The Bureau considers electronic signatures equally sufficient to ink signatures in these situations.

The Bureau has not encountered any significant barriers using electronic mediums to interact with the public.

2.2 Internal

Dating back to the first days of the Bureau in 2011, we have promoted the usage of electronic signatures for internal processes. Whenever internal Bureau forms are updated, we review them for accessibility and usability including the ability to use electronic signatures. Most, but not all, forms used for internal processes are set up to accept electronic signatures.

³ <https://www.consumerfinance.gov/complaint/>

3. Looking ahead

The Bureau intends to continue supporting the usage of electronic signatures across our transactions and processes where applicable. Any new services developed for public interaction that might require a transaction or confirmation action, will be electronically available as applicable.

3.1 Plan for continuing to promote electronic signature usage

Within the next quarter, the Bureau's Chief Operating Officer (COO) will communicate across Bureau divisions to confirm that electronic signatures should be considered equally sufficient to wet signatures for all transactions and standards, as appropriate and barring any special circumstances. As part of this communication, the COO will ask that any instances where this is not already the case be highlighted.

If any transactions or standards are found that need to be modernized to include electronic signatures, the Bureau will undertake that work.

All new forms developed by the Bureau will use electronic signatures as applicable.