

NORTHERN WESTMORELAND CAREER AND TECHNOLOGY CENTER

No. 829-800.1

SECTION: OPERATIONS
TITLE: ELECTRONIC
RECORDS/SIGNATURES
ADOPTED: September 17, 2020
REVISED:

Purpose

Under certain conditions, electronic records and signatures satisfy the requirements of a manual record and/or signature when transacting business. The Joint Operating Committee recognizes that the effectiveness of electronic records and signatures depends upon the authenticity and reliability of the signatures and the context in which the electronic records are created, transferred and stored. Therefore, the Joint Operating Committee adopts this policy to allow the use of and acceptance of electronic records and signatures and to establish guidelines under which electronic signatures may be utilities by the center.

~~The Northern Westmoreland Career & Technology Center (NWCTC) is establishing the foundation and guidance for an Electronic Signature process and program involving technical and human interaction. Properly executed Electronic Signatures may be considered legally binding as a means of identifying the author of Electronic Records, to confirm content accuracy and completeness as intended by the author, and to ensure Electronic Signature integrity as maintained for the life of the Electronic Record.~~

Authority

The Joint Operating Committee authorizes the use of electronic signatures in place of manual signatures to conduct center business unless a manual signature is required by law or regulations. Electronic signatures shall have the full force and effect of a manual signature when used in accordance with this policy and applicable law and regulations.

Electronic records filed with or issued by the center shall have the full force and effect of paper records when the requirements of this policy and applicable law and regulations are satisfied.

This policy applies to the use of electronic records and signatures when permitted or required in connection with center programs and operations.

~~NWCTC may accept Electronic Signatures as defined in this Policy for author validation of documentation, content accuracy and completeness with all the associated ethical, business, educational, and legal implications. The process must operate with a secured infrastructure,~~

800.1. ELECTRONIC RECORDS/SIGNATURES

~~ensure integrity of process and minimize the risk of unauthorized activity in the design, use, and access of the Electronic Records.~~

Definitions

Electronic record – any record created, generated, sent, communicated, received, or stored by electronic means.

Electronic Signature - ~~under federal law, 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.~~ **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. More simply, it is a paperless means of committing to a contract or other document in a manner that indicates the signer’s intent to bind themselves and/or the center.**

Delegation of Responsibility

The Administrative Director or designee shall develop administrative regulations to direct staff on the parameters for authorized use of electronic signatures related to center (school) programs and operations.

~~**Attribution** – an Electronic Record or Electronic Signature is attributable to a person if it was the act of the person. The act of the person may be shown in any manner, including a showing of the efficacy of any Security Procedure applied to determine the person to which the Electronic Record or Electronic Signature was attributable. The effect of an Electronic Record or Electronic Signature attributed to a person above is determined (1) from the context and surrounding circumstances at the time of its creation, execution or adoption, including the parties’ agreement, if any; and (2) otherwise as provided by law.~~

-

~~**Electronic** – relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.~~

-

~~Under Pennsylvania Law, 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.~~

-

~~**Information** – data, text, images, sounds, codes, computer programs, software, databases, or the like.~~

-

~~**Record** – information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.~~

-

~~**Security Procedure** – 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~~

800.1. ELECTRONIC RECORDS/SIGNATURES

~~in the Information in an Electronic Record. The term includes a procedure which requires the use of algorithms or other codes, identifying words or numbers, encryption or callback, or other acknowledgement procedures.~~

-

~~**Transaction**—under federal law, an action or set of actions relating to the conduct of business, consumer, or commercial affairs between two (2) or more persons, including any of the following types of conduct—(A) the sale, lease, exchange, licensing, or other disposition of (i) personal property, including goods and intangibles, (ii) services, and (iii) any combination thereof; and (B) the sale, lease, exchange, or other disposition of any interest in real property, or any combination thereof.~~

-

~~Under Pennsylvania law, an action or set of actions occurring between two (2) or more persons relating to the conduct of business, commercial, or governmental affairs.~~

-

Authority

-

~~NWCTC shall establish a program and accompanying policies, regulations, rules, procedures, and forms for the utilization of Electronic Signatures and Electronic Records in the business and educational operations of the center when suitable and necessary.~~

-

-

Signature Authority

-

~~*Checking Accounts and Financial Transactions*~~

-

~~NWCTC Board President, Board Secretary, and Board Treasurer are designated as authorized to sign on all checking and financial accounts of the center and are authorized to execute financial transactions, including bank transfers, payroll direct deposit transfers, wire transfers, and payment of vendors by electronic fund transfer on behalf of cent under the following conditions:~~

- ~~• The signature of the Board President, Board Secretary, and Board Treasurer are required on each check issued by the center.~~
- ~~• The three (3) signatures can be Electronic for checks up to \$500,000. Checks over \$500,000 require one (1) original signature.~~
- ~~• In order to provide appropriate internal controls over the expenditure of funds by check, the Business Manager will review and sign off on each check register prepared.~~
- ~~• The check registers will be kept and made available for audit.~~
- ~~• Financial Transactions, including bank transfers, payroll direct deposit transfers, wire transfers and payment of vendors by electronic fund transfer are to be approved.~~
- ~~• The documentation will be kept and made available for audit.~~

~~*Contracts and Financial Obligations*~~

800.1. ELECTRONIC RECORDS/SIGNATURES

-
~~The NWCTC Board President, Board Secretary, Board Treasurer and Administrative Director are designated as authorized to sign on all contracts and financial obligations of the center and are authorized to execute and enter into these obligations on behalf of the center, including contracts; agreements; purchase orders; and acceptance of grants, gifts, or other assets.~~

~~Business, Educational, Employee, and Student Electronic Signatures~~

-
~~The Business Manager is granted the authority to create, enforce, and revise regulation(s), rules, procedures, and forms to accompany this Policy that provide for internal and external use of Electronic Signatures and Electronic Records. The Electronic Signature and Electronic Records program must contain at least Security Procedures, including Attribution and electronic authentication and digital signature standards; the types of Electronic Signature functionality (for example, biometric, digital signature, or digitalized signature); the acceptance, use, and issuance of Electronic Signatures and Electronic Records; data elements; approach to amendments, corrections, deletions, and retractions to the electronically signed document; as well as special considerations for the Electronic Signatures, such as electronic dual signatures, co-signatures, countersignatures, entries made on behalf of another, proxy, alternate or group signatures, multiple, and witness signatures. The confidentiality and security, system authentication, participant agreement, compliance monitoring, and enforcement must also be embraced.~~

-
~~The kinds of Electronic Signatures and Electronic Records that are permitted include, but are not limited to, the use for business transactions such as with the electronic purchasing; electronic contracting; Family Educational Rights and Privacy Act (FERPA) student record use; and employees' acknowledgement, authorization, and contracting.~~

-
~~The Administrative Director shall designate who will be permitted to use Electronic Signatures on behalf of the center, the terms and conditions for such use, the consequences for inappropriate, unauthorized or illegal use of the terms, conditions, policies, regulations, rules, procedures, forms, and other local, state and/or federal laws, among other items.~~

Guidelines

Electronic Recordkeeping

The maintenance of electronic records and signatures by the center shall comply with the electronic recordkeeping requirements of state and federal laws and regulations and the center(school)'s Records Management Plan.

800.1. ELECTRONIC RECORDS/SIGNATURES

Electronic records created or received by the center shall be appropriately attributed to the individual(s) responsible for their creation, authorization and/or approval.

The center may specify the type of electronic signature required on an electronic record, the manner and format in which the electronic signature must be affixed to the electronic record, and the criteria that must be met when an individual uses a third party to file a document if electronic records must be signed by electronic means.

The center shall implement and maintain electronic recordkeeping systems to securely receive, store, and reproduce electronic records and signatures relating to transactions in their original form.

Such a system shall allow the center to implement:

1. A security procedure for the purposes of verifying that an electronic signature is that of a specific person or for detecting changes or errors in the information in an electronic record.
2. Appropriate control processes and procedures to ensure adequate preservation, disposition, integrity, security, confidentiality and auditability of electronic records.
3. A consistent manner and format in which the electronic records must be created, generated, sent, communicated, received and stored.

Electronic Signatures

An electronic signature may be used if the law requires a signature unless there is a specific law, regulation, or order that requires records to be manually signed. The issuance and/or acceptance of an electronic signature by the center shall be permitted in accordance with the provisions of this policy and all applicable state and federal laws and regulations. Such electronic signature shall have the full force and effect of a manual signature only if the electronic signature satisfies all of the following requirements:

1. The signing employee is authorized to manually sign the document on behalf of the center.
2. The electronic signature identifies the individual signing the document by their name and position.
3. The individual signing with an electronic signature has signed a statement of exclusive use.
4. The identity of the individual signing with an electronic signature is capable of being validated through the use of an audit trail.
5. The electronic signature and the document to which it is affixed cannot be altered once the electronic signature has been applied.
6. The electronic signature conforms to all other provisions of this policy.

800.1. ELECTRONIC RECORDS/SIGNATURES

The center shall maintain a secure log of each employee authorized to utilize an electronic signature in connection with center business,

This policy does not require a specific method for executing an electronic signature. The employee signing a particular document is responsible for verifying that the method chosen is appropriate for the nature of the transaction. Employees must consider confidentiality, authentication of signatures, and verification that the document signed is, in all respects, identical to the one to which the signer intends to bind the center.

Any electronic signature that appears to be forged, altered, or otherwise not authentic, or that is not compliant with law or regulation, this policy or related administrative regulation, is not a valid signature.

Should an electronic signature be deemed invalid, the Administrative Director or designee may require a manual signature.

All other policies that apply to the execution of contracts or other documents on behalf of the center remain in full force and effect.

PSBA New 4/21 © 2021 PSBA

Legal

- ~~NIST Special Publication 800-63-1 Electronic Authentication Guideline~~
- ~~The Electronic Signatures in Global and National Commerce Act (E-SIGN), 15 U.S.C. §§ 7001-7031~~
- ~~The Family Educational Rights and Privacy Act, 34 C.F.R. § 99.30(d) & § 99.31.~~
- ~~Pennsylvania Electronic Transaction Act, 73 P.S. § 2260.101 et seq.~~
- ~~Pennsylvania Statute of Frauds, 15 P.S. § 2-201; 33 P.S. § 1~~
- ~~Uniform Facsimile Signature of Public Officials Act, 65 P.S. § 302~~
- ~~Digital Signature Service Terms~~
- ~~Policies, Regulations, Rules, Procedures, and Forms~~

73 P.S. 2260.101 et seq

15 U.S.C. 7001 et seq

73 P.S. 2260.301 et seq

Pol. 800

15 U.S.C. 7006

73 P.S. 2260.502

73 P.S. 2260.305

73 P.S. 2260.306

21 P.S. 483.1 et seq

Pol. 716

800.1. ELECTRONIC RECORDS/SIGNATURES