

# NORTHERN WESTMORELAND CAREER AND TECHNOLOGY CENTER

No. 829

SECTION: OPERATIONS

TITLE: ELECTRONIC  
RECORDS/SIGNATURES

ADOPTED: September 17, 2020

REVISED:

## Purpose

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.

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

## Definitions

**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.

**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.

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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 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.

### **Delegation of Responsibility**

#### **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 center under the following conditions:

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- 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 -*

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.

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### 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