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| STATE OF CALIFORNIA DEPARTMENT OF GENERAL SERVICES Administrative Order <u>21-01</u> | DATE ISSUED: January 8, 2021 EXPIRES: Until Rescinded |
| TO: All DGS Personnel and Business Partners SUBJECT: Electronic Signatures for Business Operations | REFERENCES: SAM 1240; Administrative Order (AO)18-03; AO 16-04; California Civil Code §1633.1 <i>et seq.</i> ; ISO Security Procedures SUPERSEDES: AO 18-03 |

Purpose This policy enables the acceptance of electronic signatures (hereafter “e-Signatures” or “e-Sign”) on all forms and documents related to Department of General Services (DGS) business operations.

Scope This policy applies to all business processes conducted by DGS that require signatures. This policy enables DGS staff to conduct transactions electronically, to accept e-Signatures by other parties, and to sign agreements on the agency’s behalf by using an e-Signature.

Background The Uniform Electronic Transactions Act (UETA), as adopted by California in Civil Code §1633.1 *et seq.*, governs, in relevant part, the use of electronic signatures when parties agree to an electronic transaction.

As permitted by SAM 1240, DGS issued AO 18-03 in 2018 adopting policy regarding the acceptance of e-Signatures for acquisitions in accordance with the Department’s strategic direction.

This policy expands the acceptance of e-Signatures to include all forms and documents related to DGS business operations.

Policy The Department shall utilize e-Signatures for business operations.

Individuals e-Signing on behalf of DGS shall do so within their delegated authority as set forth in Form AD-27 Delegation of Authority (DOA), their Acquisitions Commitment Authority (ACA), or consistent with their job duties and responsibilities and with management approval.

When implementing the use of e-Signatures, DGS shall:

- Format business documents requiring signatures to accept e-Signatures;
- Ensure processes and technologies are in place to accept and enable the use of e-Signatures;
- Implement confidentiality procedures to address accurate identification, authentication, authorization, and accountability;
- Implement integrity procedures to address non-repudiation;
- Maintain an electronic record (e-Record) management procedure to ensure electronic form storage and availability;

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- Manage e-Records in the same way as paper records with regard to retention and disposition as defined in Administrative Order 16-04;
 - Establish a working group to periodically review reported problems with the e-Signature solution and make necessary improvements, if needed.
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Limitations and Exclusions

If a party (e.g., contractor or employee) is unwilling or unable to sign a document electronically, DGS shall accept wet or original signed forms or documents.

Federal and/or state law or policy may require the use of wet signatures for specific documents.

Definitions

Business Operations: Business operations are business processes conducted in whole or in part by electronic means that utilize e-Signatures to conduct business on behalf of DGS. Business processes are defined by DGS divisions and offices.

Electronic Record: A record created, generated, sent, communicated, received, or stored by electronic means.

Electronic Signature: 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. For purposes of this title, a “digital signature” as defined in subdivision (d) of Section 16.5 of the Government Code is a type of electronic signature.

Wet or Original Signature: A signature that is created when a person physically writes a name in a stylized, cursive format (or even a simple “X”) on a piece of paper.

Questions

If employees have questions, concerns, or would like additional information regarding this policy, please contact the DGS Forms Management Center via email at Forms.Management@dgs.ca.gov.

AO Approval

Jennifer Osborn

Jennifer Osborn
Chief Deputy Director,
Director (Acting)