

MANAGEMENT MEMO

NUMBER:

20 - 07

EFFECTIVE DATE:

December 24, 2020

SUBJECT:

ELECTRONIC SIGNATURES, ELECTRONIC TRANSACTIONS AND ELECTRONIC RECORD MANAGEMENT FOR STATE FORMS

ISSUING AGENCY:

DEPARTMENT OF GENERAL SERVICES

REFERENCES:

State Contracting Manual (SCM); California State Records and Information Management (CalRIM); State Administrative Manual (SAM) 1600 et seq; Uniform Electronic Transactions Act (California Civil Code (CIV) § 1633.1-1633.17); AB 2296; California Code of Regulations, Title 2, § 22003(a)(6)(B); Government Code § 16.5(b)

SUPERCEDES:

Intended Audience State Forms Management Representatives, Deputy Directors, Department Directors

Purpose This policy requires all forms that are designed to be completed by internal or external customers (public or private sector entities) conducting business with the State of California, whether standard (STD) or agency forms, are available in an electronic format. Agencies shall use electronic signatures (hereafter “e-Signatures” or “e-Sign”) in place of a wet signature unless prohibited by law.

This policy identifies the permissible types of e-Signatures, electronic transactions, and electronic records (hereafter “e-Records”) when utilizing forms for state business.

Scope This policy applies to all business processes conducted using forms managed by Forms Management Center (FMC) including STD forms and agency business-use forms. This policy enables state agency 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. This policy does not waive or modify any requirement or limitation as to which officers and employees are authorized to bind their agency to a contract.

This policy does not affect a state agency’s right or obligation to have forms be provided or made available in alternate formats when required by applicable policies, laws, or regulations.

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Background California adopted the Uniform Electronic Transactions Act (California Civil Code § 1633.1-1633.17), which establishes the legal validity of e-Signatures and contracts in a manner similar to the federal law, Electronic Signatures in Global and National Commerce Act. Please refer to SAM 1734 for additional e-Signature background.

Policy State agencies shall ensure all forms are digitally available and can accept e-Signatures. When an electronic form is transmitted to a state agency, the chain of approval of all those required to sign that document must be clear and unambiguous. All parties required to sign must have unequivocally approved the same document.

Agency Responsibilities When implementing the use of e-Signatures, agencies shall:

- Implement an e-Signature policy by June 1, 2021;
- Implement confidentiality procedures to address accurate identification, authentication, authorization, and accountability by June 1, 2021;
- Implement integrity procedures to address non-repudiation by June 1, 2021;
- Maintain an e-Record management procedure to ensure electronic form storage and availability by June 1, 2021;
- Ensure processes and technologies are in place to accept the use of e-Signatures on state standard (STD) forms by September 1, 2021;
- Format agency forms requiring signatures to accept e-Signatures by January 1, 2022.

Contact Forms Management Center
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