

Title 2. Administration
Division 2. Financial Operations
Chapter 3. Department of General Services
Subchapter 13. Forms Management

§1896.460. Electronic Signatures for Forms Management

- (a) Unless otherwise prohibited by law, a State Agency, as defined in Government Code section 11000, is responsible for ensuring all Forms support secure Electronic Signature capability.
- (b) A "Form" is defined as any formatted document containing fields that users can fill in with data or other requested information that is used repeatedly and can be electronic or paper. Documents requiring a signature only and templates are considered forms under this definition.
- (c) A secure Electronic Signature means an Electronic Signature, as defined in subdivision (h) of Section 1633.2 of the California Civil Code, that:
 - (1) Is submitted through an electronic filing system established by the Department;
 - (2) Meets the following standards outlined in Government Code section 16.5(a)(1)-(4) unless otherwise required to meet a higher standard under federal or state regulation or law; and
 - (3) If the Electronic Signature is a Digital Signature, it complies with the California Code of Regulations, title 2, sections 22000 through 22005.
- (d) All Agencies must accept, in lieu of wet ink signature, secure Electronic Signatures on Forms used by the Department unless prohibited by law or as determined by the Agency in consultation with the Department.
- (e) The following types of Electronic Signatures, provided they comply with (c) above, are permitted on Forms approved by the Department:
 - (1) Name typed or stamped, which is created by a person typing, signing, or stamping their name electronically in the designated signature field with a statement confirming agreement;
 - (2) Recorded voice that does all of the following:
 - (a) associated with the speaker, a specific document, or record;
 - (b) Shows evidence of the speaker's intent to be bound to the terms and conditions in that specific document or record, and
 - (c) captured in electronic format.
 - (3) Personal identification number (PIN) or password is the identifying information allocated to an individual to access an application or system, which includes:
 - (a) An identification number, the person's name, or a secret word or phrase known to both the user and the system; and
 - (b) The system authenticates the person
 - (4) Digitized image of a handwritten signature
 - (5) Digital Signature as defined in section 16.5(d) of the Government Code.

Pursuant to 1 CCR §8, underline or italic is not required for the adoption of a new regulation or set of regulations. All of the proposed text are new regulations.

(f) An acceptable technology, as outlined in California Code of Regulations, title 2, section 22003, used for creating Electronic Signatures must be capable of creating signatures that conform to requirements in Government Code section 16.5 and Civil Code sections 1633.9 and 1633.10.

(g) Prior to accepting Digital Signatures identified in (e)(5) herein, a State Agency shall ensure that all Forms abide by the criteria cited in California Code of Regulations, title 2, section 22005.

(h) When utilizing electronic signatures, the following security guidelines shall apply:

(1) Identification (Provisioning users):

(a) Identify and verify approvers prior to e-Signature.

(2) Establish authentication, such as a 1-2 factor authentication process, for identity assurance.

(3) Ensure accountability that actions are traceable and performed on a system to a specific system user, process, or device):

(a) Accountability shall include at a minimum, the date and time stamped by each electronic signee's computer and email address or other reference identification of the signee.

(4) Identify and retain a transaction repository that will be accessible for the duration prescribed by the applicable document retention policy.

NOTE: Authority cited: Section 16.5, Government Code; 1633.7(d), 14775.

Reference: Sections 16.5, Government Code; 1633.1, 1633.2, 1633.9, 1633.10, Civil Code; Sections 22003, 22005, California Code of Regulations, Title 2.