

ELECTRONIC SIGNATURES AND RECORDS

Under certain conditions electronic records and signatures are legally acceptable and enforceable. The Board of Education wishes to approve policies and procedures outlining the use of electronic signatures in connection with the transaction of district business so as to promote the efficient use of electronic communications.

Although all electronic signatures are represented digitally, they can take many forms and can be created using many different types of technology. The authenticity and reliability of electronic records and signatures relating to transactions are dependent on the accompanying processes, supplemental records and the overall context in which records are created, transferred, signed and stored.

Definitions

“Attribution” means 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.

“Electronic signature” means 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.

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

“Transaction” means an action or set of actions occurring between two or more persons relating to the conduct of business, commercial, charitable, or governmental affairs.

Statement of Policy

Electronic Signatures

An electronic signature is an automated function that replaces a handwritten signature with a system generated signature statement. According to the Colorado Uniform Electronic Transactions Act (UETA) system generated electronic signatures are considered legally binding and enforceable. Electronic signatures will be utilized for records as a means for authentication of transcribed documents and/or electronic entries. District employees and persons conducting business with the district will be allowed to utilize an electronic signature in accordance with this policy and state and federal regulations regarding such.

Unless a specific statute, regulation, or rule of law requires records to be signed in a non-electronic form, the issuance and/or acceptance of an electronic signature shall be permitted in accordance with the provisions of this policy and all applicable state and federal laws. Such electronic signatures shall have the full force and effect of a manual signature only if the following conditions are met:

1. Each party to a transaction agrees to conduct the transaction electronically. Consent may be implied from the circumstances, except with respect to the electronic records used to deliver information for which consumers are otherwise entitled by law to have received in writing.
2. The electronic signature identifies the individual signing the document by his/her name and title.
3. The identity of the individual signing with an electronic signature is capable of being validated and attributed to the individual who purports to have signed it.
4. The electronic signature and the document to which it is affixed cannot be altered once the electronic signature has been affixed.
5. If a law requires an electronic signature to contain specific elements, the electronic signature must contain the elements specified by law.
6. The electronic signature conforms to all other provisions of this policy.

Electronic Records

Electronic records created or received by the district shall be appropriately attributed to the individual(s) responsible for their creation and/or authorization or approval. The district shall utilize available technology to implement reliable methods for generating and managing electronic records. Any electronic record filed with or issued by the district shall be given full force and effect of a paper communication if the following conditions are satisfied:

1. The communication is an electronic filing or recording and the district agrees to accept or send such communication electronically.
2. If a signature is required on the record or communication by any statute, rule or other applicable law or district policy, the electronic signature must conform to the requirements set forth in this policy governing the use of electronic signatures.

Acceptance, Use and Issuance of Electronic Records and Signatures

The following guidelines govern the acceptance, use and issuance of electronic records and signatures in connection with the transaction of district business:

1. If a law requires a record to be in writing, an electronic record satisfies the law.
2. In any written communication in which a signature is required or used, any party to the communication may affix a signature by use of an electronic signature that complies with the requirements of this policy for electronic signatures.
3. If a law prohibits a transaction from occurring electronically, the transaction must occur in the manner specified by law.

4. The district shall develop and maintain an electronic recordkeeping system that can receive, store, and reproduce electronic records and signatures relating to transactions in their original form. Such system shall include security procedures whereby the district can (a) verify the attribution of a signature to a specific individual, (b) protect and prevent access, alteration, manipulation or use by an unauthorized person, and (c) provide strong and substantial evidence that will make it difficult for the signer to claim that the electronic representation is not valid.
5. The district shall ensure that all electronic records and signatures are capable of being accurately reproduced for later reference and retained until such time as all legally mandated retention requirements are satisfied.
6. Those individuals who are authorized to sign documents on behalf of the District shall be permitted to submit electronic signatures pursuant to this policy in connection with district business.
7. If the parties have agreed to conduct a transaction by electronic means and a law requires a person to provide, send, or deliver information in writing to another person, the requirement is satisfied if the information is provided, sent, or delivered, as the case may be, in an electronic record.
8. If a law requires that a record be retained in its original form, that requirement is satisfied by retaining an electronic record of the information in the record that accurately reflects the information set forth in the original record and remains accessible for later reference.

ADOPTED May 5, 2020

LEG. REFS. C.R.S. § 22-32-110(1)(kk) (authorizes use of electronic signatures and records)
C.R.S. § 24-71.3-101 *et seq.* (Uniform Electronic Transaction Act)
18 U.S.C. 2510 (Electronic Communications Privacy Act)

CROSS REFS. CBI, Evaluation of the Superintendent
DGA/DGB, Authorized Signatures/Check-Writing Services
EHB, Records Retention
GCOA, Evaluation of Instructional Staff
GCOC, Evaluation of Licensed Administrative Staff
GCOC-R, Evaluation of Licensed Administrative Staff
GBEE, Staff Use of the Internet and Electronic Communications
GBJ, Personnel Records and Files