



POLICY NO. XX ELECTRONIC SIGNATURE POLICY

1.0 STATEMENT

- 1.1** This policy is made pursuant to Section 48(3) of the Municipal Government Act.
- 1.2** The Municipality of Barrington is committed to adopting a consistent and appropriate approach to the use of Electronic Signatures with the aim of ensuring document reliability, expediting workflow processes, reducing recordkeeping requirements and improving customer service.

2.0 PURPOSE

- 2.1** The purpose of this Policy is to ensure consistent, authorized, and lawful use of Electronic Signatures by:
 - 2.1.1** identifying the requirements for the receipt and creation of legally reliable electronic documents;
 - 2.1.2** identifying the requirements for the use of Electronic Signatures; and
 - 2.1.3** providing guidance on when Electronic Signatures are considered official and acceptable by the Municipality.

3.0 DEFINITIONS

- 3.1** "Director" means a person in charge of a municipal department.
- 3.2** "Digital Signature" means a form of Electronic Signature that is fully or partially reinforced through cryptography to ensure the identity of the signer as well as the integrity and authenticity of a record.
- 3.3** "Document Reliability" means the extent to which the reader can be objectively certain of the identity of signers and of the integrity and authenticity of the document.
- 3.4** "Electronic" means created, recorded, transmitted or stored in digital form or in other intangible forms by electronic, magnetic, or optical means or by any other means that have capabilities for creation, recording, transmission or storage similar to those means and "electronically" has a corresponding meaning.

- 3.5** “Electronic Record” means a record of information that is created, generated, sent, communicated, received or stored electronically. Electronic records include electronic documents.
- 3.6** “Electronic Signature” means any electronic artefact that fulfils the function of a signature in the electronic medium. Electronic Signatures may include, but are not limited to, Digital Signatures, name entries (online forms), email signature blocks or headers, click-through agreements, and combinations of a username and personal identification number (PIN).
- 3.7** “Electronic Submission” means an electronic document submitted through electronic means including, but not limited to, emails, web forms, facsimiles, external devices (e.g. compact discs, hard disks, USB flash drives).
- 3.8** “Information Technology Services” (ITS) means services provided by Blair’s Computer Service of Barrington Passage and refers to the structure, development, application, execution, support and oversight of computer-based information systems.
- 3.9** “Municipality” means the Municipality of the District of Barrington.
- 3.10** “Private Bodies” means any person or organization not being a public body and it also means a voluntary organization, charitable institution, club, company, firm or partnership.
- 3.11** “Public Bodies” means a body that acquires both its existence and its authority from a statute enacted by a legislature and whose functions and transactions are for the benefit of and affect the whole community to which its authority extends.
- 3.12** “Record” means information, however recorded or stored, irrespective of the medium or form, by electronic means or otherwise, that includes, but is not limited to, documents, financial statements, minutes, accounts, emails, correspondence, memoranda, plans, maps, drawings, photographs, databases, and films.
- 3.13** “Signature” means a traceable, exclusively personal mark left by a person on a record.
- 3.14** “Supervisor” means a person who supervises a person or an activity.
- 3.15** “Transaction” means an action or set of actions occurring between two (2) or more persons relating to the conduct of business, commercial or governmental affairs.

4.0 APPLICATION

4.1 This Policy applies to all departments, employees and members of Council of the Municipality.

5.0 REQUIREMENTS

5.1 Use of Electronic Signatures

5.1.1 Subject to the provisions of this Policy, to the fullest extent permitted by law, the Municipality accepts electronically signed documents as legally binding and having the same legal value as paper documents with handwritten signatures (wet signatures). To that end, a legal requirement that a document be signed is satisfied by a Digital Signature. When there is no legal requirement that a document be signed, an Electronic Signature may be accepted instead of a Digital Signature.

5.1.2 This Policy does not limit the Municipality's right or option to conduct a transaction on paper or in a non-electronic form, nor affect the Municipality's right or obligation to have documents provided or made available in paper format when required by statute or regulation.

5.2 Internal Documents and Transactions

5.2.1 Subject to the restrictive provisions in this Policy, all internal documents of the Municipality including, but not limited to, official documents, requests, approvals, written communications, Electronic Submissions, and transactions shall be created, authorized, approved or signed using electronic documents and Electronic Signatures.

5.3 External Documents and Transactions

5.3.1 All employees of the Municipality shall accept the Electronic Submission of documents or transactions bearing an Electronic Signature if it is deemed to be in compliance with this Policy.

5.4 Documents Excluded

5.4.1 The following documents shall not be signed, in any circumstances, using Electronic Signatures:

- Wills and codicils;
- Trusts created by wills or codicils;
- Powers of attorney, to the extent that they are in respect of an individual's financial affairs or personal care;
- Negotiable instruments (e.g. cheques, promissory notes, etc.);
- Documents that are prescribed or belong to a prescribed class; and

- Documents of title.
- Documents that create an interest or transfer an interest in land;
- Affidavits and other documents to be filed with a court;
- Any other documents prescribed by law to require wet signatures.

5.5 General Consent

5.5.1 No person shall be compelled or required to transact with the Municipality using Electronic Signatures without their consent. If a handwritten signature (wet signature) is requested, the Municipality shall consent.

5.5.2 However, depending on the legal status of the transacting party, the consent required to allow the use of Electronic Signatures can be implicit or explicit.

5.6 Consent of Public Bodies

5.6.1 Public bodies' consent to the use of Electronic Signatures shall be explicit, which means the consent shall be given only by an explicit written communication stating the public body's consent to use Electronic Signatures for the matter or purpose in question. The explicit written communication shall be kept with the electronically signed documents as proof of consent.

5.7 Consent of Private Bodies or Other Persons

5.7.1 The consent of private bodies or other persons to the use of Electronic Signatures can be implied, which means that the consent does not have to be strictly expressed through an explicit communication. Rather, the consent can also be inferred from a person's conduct if there are reasonable grounds to believe that the consent is genuine and is relevant to the information or document.

5.8 Reliability Requirements

5.8.1 Electronic Submissions or transactions bearing Electronic Signatures shall be reliable. The reliability requirement is satisfied only if, in light of all the circumstances, including any relevant agreements, the purpose for which the document is created and the time the Electronic Signature is made:

- the Electronic Signature is reliable for the purpose of identifying the person as well as ensuring the integrity and authenticity of the document; and

- the association of the Electronic Signature with the relevant electronic document is reliable.

5.8.2 An Electronic Signature shall also be attributable (or traceable) to a person who has the intent and authority to sign the record with the use of adequate security and authentication measures that are contained in the method of capturing the Electronic Submission or transaction (e.g. use of a personal identification number (PIN) or unique login username and password).

5.8.3 No persons, through the transmission of an Electronic Submission or transaction bearing an Electronic Signature, shall represent themselves in a way that is false or misleading. Where an employee believes that a misrepresentation has occurred, the Electronic Submission or transaction shall not be processed and the Director and the Information Technology Service shall be notified.

5.8.4 The Municipality may adopt security procedures for Electronic Signatures that are practical, secure and balance risk and cost. Furthermore, Electronic Signatures may be implemented on a case-by-case basis using various security procedures depending on the risks associated with the Electronic Submission or transaction.

5.8.5 All security procedures shall be determined and approved by the Information Technology Service.

6.0 RESPONSIBILITIES

6.1 Responsibilities of Employees

6.1.1 All employees shall:

- comply with this Policy; and
- notify the Director if he or she believes that an employee is using Electronic Signatures in a manner that is fraudulent or contrary to the security procedures in place.

6.2 Responsibilities of Directors and Supervisors

6.2.1 Directors or Supervisors shall:

- work and collaborate with the Information Technology Service to implement Electronic Signatures within their department and determine security procedures;
- ensure that employees under their supervision comply with this Policy; and
- notify the Information Technology Service if they believe that an

employee is using Electronic Signatures in a manner that is fraudulent or contrary to the security procedures in place.

6.3 Responsibilities of the Clerk and Information Technology Service

6.3.1 The Clerk and Information Technology Service shall:

- implement, administer and update this Policy; and
- monitor and report on the implementation of this Policy.

7.0 LEGISLATIVE AUTHORITY

7.1 Section 11 of the Electronic Commerce Act, 2000, allows the use of Electronic Signatures, subject to prescribed requirements.

8.0 REFERENCES

8.1 References

8.1.1 Electronic Commerce Act, 2000, S.N.S 2000, c. 26

8.1.2 Freedom of Information and Protection of Privacy (FOIPOP) Act, S.N.S. 1993, c 5