UNIVERSITY OF ALBERTA

Electronic Approvals and Signatures Guidelines

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NOTICE

Please refrain from downloading or saving this document to personal storage locations. The most updated version of this material can be found on the IPRMO website at:

https://www.ualberta.ca/en/information-privacy-records-management

This approach prevents the creation of additional copies being saved and printed, created additional transitory documents and promoting outdated reference copies.

Introduction

From email approvals and “click to consent” to the integration of electronic signature workflows, electronic approvals and signatures can achieve significant operational efficiencies. In order to realize these benefits, an electronic approval or signature must comply with legislative and policy requirements. The requirements outlined in this guideline will enable units, portfolios and the University to realize the benefits of electronics approvals and signatures including:

- Reducing operational costs,
- Lowering project costs,
- Reducing institutional risk, and
- Creating agreements that are valid and enforceable.

Purpose

This guideline sets out requirements that unit leaders, information technology administrators, and records coordinators need to apply to realize the benefits of electronic signatures and approvals. Anyone undertaking an electronic approval or signature project needs to ensure they have met the requirements outlined in this guideline.

Scope

This guideline applies to University Records[1] containing electronic transactions within the University of Alberta, and agreements and contracts that are governed by the laws of the

[1] See Records Management Policy

Province of Alberta. Please contact the Office of General Counsel[2] to discuss agreements not governed by the Province of Alberta.

Requirements for Electronic Approvals and Signatures

Policy Requirements

Use of electronic approvals and signatures must comply with University of Alberta Information Management & Information Technology Policies[3]. These policies and their supporting procedures establish mandatory requirements for information and technology use in the University of Alberta.

Electronic approvals and signature proposals may be reviewed by the respective and responsible governance body (such as the Information Technology Steering Committee - Administration (ITSCA)) for compliance with Information Management & Information Technology Policies, applicable laws and a reasonable balance of risk, opportunity and cost.

Balancing Risks, Opportunities and Costs

Units exploring electronic approvals and signatures are responsible for identifying their use cases against the Categories of Approval, and adopt the appropriate approach. Existing requirements for wet ink signatures does not automatically mean that an equivalent approval process requires the use of an eSignature product. Units are

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[2] Link – gcounsel@ualberta.ca

[3] https://www.ualberta.ca/en/policies-procedures/index.html#sort=relevancy&f:@ua__alf_group=[Information%20Management%20%26%20Information%20Technology]

encouraged to challenge their existing processes including whether a signature is required, or whether an alternative approach (such as approval in an email) will suffice.

Approved Electronic Approval and Signature Solutions

IST has worked with campus partners to establish the eSignature Operational Model[4]. The solutions outlined in this model comply with Information Services and Technology Governance[5] (including a Privacy Impact Assessment[6]), address common requirements (such as encryption and audit logging) and use cases (such as single or multiple signature requirements).

Solutions that have not been approved as Enterprise-Wide eSignature Products must undergo Information Services and Technology Governance processes, including a Privacy Impact Assessment.

Please note that approval of a platform and service does not mean there is approval to conduct the transaction electronically (e.g. it might be a transaction that is not permitted to be done electronically under the ETA or otherwise). Units need to ensure that the

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4 https://docs.google.com/document/d/1q8ymfj-CgtM7cQRUH9AmXuS_34jO-Bsf-9P1XSwZ7sk/edit?usp=sharing

5 Broken link: https://www.ualberta.ca/en/university-services-operations-finance/strategic-plans-initiatives/it-governance/policy-standards.html

6 https://www.ualberta.ca/en/information-services-and-technology/security/privacy-security-review-checklist.html

transaction is permitted (see Appendix 1 - Non-permissible transactions) and they have the authority to undertake the transition (see Authority to apply electronic approvals or signatures).

Consent Is Required for Electronic Approvals and Signatures

Electronic approvals and signatures are permitted where a person or public body consents to using or accepting them in electronic form.

> **Obtaining the consent from Individuals** (students, employees or other individuals who use our services): Consent may be implicit and inferred by their conduct. This may include completing an online form or submitting information electronically.
>
> **Obtaining consent from public bodies** (including the University of Alberta): Under current law[7], the consent of a public body may only be obtained in an explicit communication.

Units undertaking electronic approvals and signatures need to know if they are dealing with individuals (where consent may be implicit or implied) or public bodies (explicit consent is needed) and how that public body's explicit consent will be obtained and recorded.

Constraints and Limitations of Electronic Approvals and Signatures

For electronic approvals and signatures to be valid, enforceable and useful, proponents must understand the business, policy, legal or technical constraints associated with using electronic approvals and signatures.

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[7] *Electronic Transactions Act*, SA 2001, c E-5.5 (19)

Failure to understand the constraints and limitations may result in additional project costs, potential institutional risk and unenforceable and invalid agreements, contracts or other transactions.

Some of the constraints and limitations that should be discussed include:

- Has your unit identified a financial limit on transactions that can be electronically approved?
- Are there any restrictions on the type of goods or services that can be electronically approved?
- How will unique situations such as technology incompatibility, or user accessibility be accommodated?
- Are there transactions that will continue to rely on wet ink signatures?

Units need to evaluate their policy, legal and client environments and identify constraints and limitations in the use of electronic approval and electronic signatures.

Email Transmission

The following outlines requirements for the use of email in any electronic approval:

- Where email is incorporated into an electronic approval, University of Alberta employees must use @ualberta email.
- Internal Approval: Using emails in lieu of a signature may be appropriate for certain transactions where steps have been taken to ensure risks to the information have been mitigated.
- External Approvals: Agreements with external parties should incorporate the University's Enterprise-Wide eSignature Products and not rely solely on email.

Managing and Retaining Evidence of Electronic Signatures

The signed document and any supporting certificates or other evidence of the transaction are University Records and must be retained together in a system that meets the University of Alberta Records Management Policy[8].

Email is not considered an appropriate system for the retention of official records. Official records should be moved out of email and into systems that meet the requirements of the Records Management Policy[9]. This may include Alfresco, PeopleSoft, Campus Solutions, and Network drives.Rules for the retention and disposition of records must be applied to records in any recordkeeping system. Records must be maintained in accordance with approved retention and disposition schedules. If a record containing an electronic approval or signature does not have an established retention category, it must be retained for a minimum of one year.

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8 https://www.ualberta.ca/en/alfresco/uappol/informationmanagementinformationtechnology/records-management/policy/records-management-policy.pdf

9 Ibid.

Related Resources and Contacts

Related Policy and Procedure Documents (UAPPOL)

Records Management Policy

Electronic Approvals and Signature Procedure

Related Links

Electronic Transactions Act of Alberta

Electronic Transactions Act Designation Regulation

Additional Information

Electronic approvals and signatures are an institutional issue and cover several areas of expertise. The following contacts will be able to provide subject specific information on the different aspects of electronic approvals and signatures.

Office of the General Counsel	*Legal information, including ACT*	Email: gcounsel@ualberta.ca Website: Office of the General Counsel
Information, Privacy and Records Management Office	*Protection and privacy of personal information*	Email: ipoadmin@ualberta.ca Website: Information and Privacy Office
	Records and information management	Email: records@ualberta.ca Website: Information and Privacy Office

University Archives	*Archiving or preserving information physically or digitally*	Email: archives@ualberta.ca Website: University of Alberta Archives
Chief Information Security Office	*Information security*	Email: ciso@ualberta.ca Website: Chief information Security Office
Information Services and Technology	*Information technology support*	Email: ist@ualberta.ca Website: Information Services and Technology

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Appendix 1 - Non-Permissible Transactions

There are specific transactions that are not permitted to be signed or approved electronically under the *Electronic Transactions Act*.

a) wills and codicils;
b) trusts created by wills or codicils;
c) enduring powers of attorney under the *Powers of Attorney Act*;
d) personal directives under the *Personal Directives Act*;
e) records that create or transfer interests in land, including interests in mines and minerals;
f) guarantees under the *Guarantees Acknowledgment Act*;
g) negotiable instruments;
h) documents of title.