



Title:	Electronic Signature Policy
Number:	705
Effective:	May 17, 2022
Cancels:	Resolution No. 2020-11
Prepared by:	Amy Asher, General Manager
Approved by:	Authority Board Resolution No. 2022-06

POL-705 ELECTRONIC SIGNATURE POLICY

This policy applies to all Mason Transit Authority (MTA) Board members and employees.

1.0 Purpose

MTA recognizes the benefit of reducing the amount of paper records it stores and the societal shift to the convenience of electronic records and its customers/contractors/vendors' desire to transact business from near or far. The use of electronic records and electronic signatures can significantly reduce costs, simplify transactions, and speed up transaction time. Recent changes to law (see Washington's Uniform Electronic Transactions Act, effective June 11, 2020, Chapter 1.80 RCW) have made it clear that state agencies and local government agencies are encouraged and allowed to use and accept electronic signatures to authenticate electronic transactions. By maintaining a policy to accept electronic signatures, MTA can enhance its service to its customers and streamline its processes for doing business.

2.0 Definitions

Electronic means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities, including without limitation blockchain and distributed ledger technology;

Electronic agent means a computer program or an electronic or other automated means used independently to initiate an action or respond to electronic records or performances in whole or in part, without review or action by an individual;

Electronic record means a record created, generated, sent, communicated, received, or stored by electronic means;

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;

Person means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity;

See Also: POL-702, POL-703



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Record means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;

Security procedure means a procedure employed for the purpose of verifying that an electronic signature, record, or performance is that of a specific person or for detecting changes or errors in the information of an electronic record. The term includes a procedure that requires the use of algorithms or other codes, identifying words or numbers, encryption, or callback or other acknowledgment procedures;

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

3.0 Determination that Electronic Signatures Being Same Force and Effect as Hand Signature

If authorized under authorized under Chapter 1.80 RCW, electronic signatures may be used with the same force and effect as hand signature, notarization & acknowledgement, and signature attributable to a person.

- 3.1 If a law requires a record to be in writing, an electronic record satisfies the law. If a law requires a signature, an electronic signature satisfies the law. Neither contracts, records or signatures may be denied legal effect or enforceability solely because they are in an electronic form. If a law requires a signature or record to be notarized, acknowledged, verified, or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature or record.
- 3.2 An electronic record or 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 signature was attributable. It is the policy of MTA to authorize only electronic signature methods that enable a showing of the efficacy of such security procedures. See methods detailed under **APPENDIX A**.
- 3.3 It is also the policy of MTA to authorize only electronic signature methods that satisfy any requirements reasonably established by the



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Administrative Services Manager in consultation with MTA’s Attorney and General Manager, including but not limited to:

- e-signature type,
- manner and format of e-signature signature affixation,
- third party criteria, and
- control process and procedures.

3.4 MTA is vested with authority to determine the extent to which it will use and accept electronic records. E-signature process is not to be utilized or accepted by MTA staff unless authorized by an approved “MTA E-Signature Approval Form” for each “records type” to which the e-signature process will be applied.

4.0 Transactions Allowed Under this Policy


Types of transactions and form approval is required prior to the use of an electronic signature process.

4.1 Specific transactions allowed under this policy will be at the discretion of the General Manager in consultation with Administrative Services Manager and MTA’s Attorney to ensure a thorough analysis of the business and legal risks associated with each transaction.

4.2 When use of an electronic signature process is desired for a particular record/transaction type, the MTA department that “owns” / “sponsors” the record/transaction process is responsible for completing and submitting a MTA “E-Signature Approval Form”. The Form contains the following fields:

- Date Submitted;
- Name of Form/Transaction;
- Form Type;
- Application Used;
- Date Needed By;
- Description of Form/Transaction; and
- Proposed Signature Method (click-through/wrap; PIN or Password; Digitized Signature; Hybrid Approach; None-Form only).

4.3 A submitted E-Signature Approval Form will route through the internal MTA review process and will be approved or denied based on that analysis. E-signature process is not to be utilized or authorized/accepted

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by MTA staff until an approved Form exists for the general “record type/transaction process” to which the e-signature process will be applied. Employees with questions about approval/authorization status for a particular record type or transaction are to inquire with the General Manager prior to utilizing or authorizing/accepting e-signature.

5.0 Parties May Opt Out of Using Electronic Signatures

- 5.1 The law does not require MTA to use or permit electronic records or signatures. MTA is vested with authority to determine the extent to which it will use and accept electronic records. Pursuant to the requirements set forth in this policy, MTA may approve the use of electronic signatures for convenience and efficiency. However, parties may alternatively elect to sign by hand and receive paper copies. All parties to a transaction must each agree to conduct the transaction by electronic means, and an approved MTA E-Signature Approval Form must exist in order for electronic records/electronic signature processes to be utilized, authorized/accepted.
- 5.2 A party may refuse to conduct future transactions by electronic means even if that party has conducted transactions by electronic means in the past.

6.0 Specific Methods and Technology Used

MTA will use Electronic/Digital Signature Program(s) and/or Software that meets the standards and criteria established in Chapter 1.80 RCW and this policy. Specific methods, processes, and technology shall be approved in advance by the General Manager upon consultation with the Administrative Services Manager and MTA’s Attorney. The approval of solutions shall be coordinated through the General Manager. The General Manager will determine a suitable review and approval process to be used when determining which solution(s) are suitable for a type of record or transaction. Where appropriate, a team approach shall be used.

- 6.1 The Technology used by MTA will Ensure Authentication. This policy is designed to provide reasonable assurance for the integrity, authenticity, and non-repudiation of electronic documents when electronic signatures



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and submissions are used and accepted. MTA will take measures to only use technology that ensures the authentication of the end-user.


6.2 The Technology used will Ensure Electronic Submittals and Signatures are Protected. In using electronic signatures, MTA will conform to applicable laws and regulations to keep this information private and secure to the extent allowed by law. It is important to maintain customer privacy and protection. Private customer information is encrypted and protected on a secure network.

7.0 Users will Have the Ability to Download or Print Signed Documents

As part of the process of signing, MTA will provide a process for users to download or print a copy of the document.

8.0 End-User Instructions or Training Material

End-user instructions or other training material will be made available by MTA, to the extent such instructions or other training material exists or can reasonably be developed, whenever an electronic signature option is provided.

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APPENDIX A:

Electronic Signature Methods & Processes Table

About this Appendix:

This appendix lists the specific methods and technologies (solutions) approved by MTA for a particular record/transaction type.

Electronic signatures may include, as appropriate, any of the following approaches, each of which has an increased level of cost, integrity, authenticity, security and non-repudiation:

- **Click Through or Click Wrap:** In this approach, a signer is asked to affirm his or her intent or agreement by clicking a button. The Click Through or Click Wrap approach is commonly used for low risk, low value consumer transaction.
- **Personal Identification Number (PIN) or password:** When using a PIN or password for an e-signature, a person is required to enter identifying information, which may include an identification number, the person’s name and a “shared secret” such as a PIN and/or password. The system checks that the PIN and/or password is in fact associated with the person accessing the system and “authenticates” the person.
- **Digitized Signature:** A digitized signature is a graphical image of a handwritten signature. This approach may use specialized hardware or software for additional security.
- **Hybrid Approaches:** Hybrid electronic signature solutions are available by combining techniques from various approaches to provide increased security, authentication, record integrity and nonrepudiation.