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## Policy Regarding Use of Electronic Signatures

Policy Number: 2020-5 (this policy supersedes Policy 2020-4)

Effective Date: June 15, 2020

Applies To: Any complaint filed under RCW 49.60.230 and requiring a signature under WAC 162-08-071(2); other documents as approved pursuant to this policy

Approved By:

  
Sharon Ortiz, Executive Director

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### Purpose:

- 1) To provide reasonable assurance for the integrity, authenticity, and nonrepudiation of electronic documents when electronic signatures and submissions are used and accepted.
- 2) To accept electronic signatures so that the agency can more efficiently receive complaints of discrimination filed for investigation, while limiting the exchange of paper documents, and increasing the speed at which cases are processed.
- 3) To increase staff efficiency and work flexibility by enabling electronic submission of documents.
- 4) To better serve the needs of our customers by eliminating their need to utilize a printer or mail services.

### Definitions:

Complainant – An individual who files a complaint of discrimination with the Human Rights Commission.

Complaint – A signed allegation of discrimination, containing the name of the person making the complaint, the name of the entity against whom the complaint is made, a specific charge of unfair practice(s), a statement of the facts which constitute the alleged unfair practice(s), and the date or date of the unfair practice(s). Under WAC 162-08-071(2) a complaint shall be in writing, signed by the complainant or the complainant's lawyer, and sworn to before a notary public or other person authorized by law to administer oaths, or subscribed and signed under the following declaration: "I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct."

Electronic signature or e-signature – An electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the record; provides the same legal standing as a handwritten signature.

Office of the Chief Information Officer (OCIO) - The office within the Washington State Consolidated Technology Services Agency that establishes standards and policies for the consistent and efficient operation of information technology services throughout state government, including the policies, standards, and guidance for the use of electronic signatures under Chapter 19.360 RCW.

**Background:**

Past practice – The Human Rights Commission has, in the past, required an original or “wet” signature on complaints that are filed with the agency. Either complaints were mailed to the potential complainant, or they were printed by the complainant from the Human Rights Commission’s website, and then were signed with an original signature, and mailed, scanned, or faxed back to the agency.

At this time, the Human Rights Commission desires to further limit the use of paper and paper transactions, further increase agency and staff efficiency, increase staff work flexibility, and increase customer satisfaction. Chapter 19.360 RCW allows and encourages state agencies to use and accept electronic signatures to authenticate electronic transactions.

Unless otherwise provided by law or agency rule, electronic signatures have the same force and effect as that of a handwritten signature. However, all methods and processes for using or accepting electronic submissions must adhere to the following:

1. State agencies are required to put into place, by policy or rule, the methods and process for using or accepting electronic submissions or electronic signatures; and
2. Electronic records and signatures must be consistent with policy, standards, and guidelines provided by Washington State’s Office of the Chief Information Officer.

**Policy:**

To the fullest extent allowed by law, the Human Rights Commission encourages electronic transactions and recognizes and will accept electronic signatures on discrimination complaints, and will treat an electronic signature the same as a handwritten signature. The phrase “Electronically signed: <Full Name>”, an embedded image of the signer’s actual signature, or another method approved by the Executive Director, may be substituted for an original signature.

The electronic signature must be present on a document that is logically associated with the signature and must be accompanied with the following declaration: "I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct." In addition, the email to which the document is attached should indicate that the complainant intended to file a complaint by submitting the document with an electronic or typed signature.

The use and acceptance of e-signatures and electronic submissions or records must be consistent with this policy and guidance and requirements put in place by the OCIO.

Other uses of electronic signatures must be approved in advance by the Executive Director, as set forth below, and be in accordance with this policy. These approval authorities may be delegated at the discretion of the Executive Director.

**Identification and Authentication:**

The email to which the electronically signed document is attached, must be from the person who is making the electronic signature, and must affirmatively indicate an intent to sign the document.

### **Process to Identify and Implement Additional Electronic Signature Uses**

1. Staff identifies a need for electronic signatures and requests implementation of an electronic signature process;
2. Executive Director will review the request, and, if deemed appropriate, assign the request for review by the Policy Analyst;
3. Policy Analyst will research to ensure that the proposed electronic signature use is not prohibited by law or agency rule, determine if the proposed use is consistent with Chapter 19.360 RCW and this policy, and determine that the electronic signature use meets OCIO electronic signature guidelines;
4. If electronic signature use is consistent with law, rules, and guidelines, Executive Director and Policy Analyst will meet, with other agency staff as necessary, to discuss a final decision on implementing the new use of an electronic signature.
5. The new electronic signature use is implemented, and pertinent staff is trained on its use;
6. The new electronic signature use will be added to an Appendix of this policy.

### **Record Retention:**

There are four components that form the record/ evidence of an electronic signature transaction that must be preserved:

- 1 Electronic document of what the person is actually agreeing to (the complaint);
- 2 Electronic signature that was applied (usually on the complaint);
- 3 Date and time the complaint was received by the Human Rights Commission Office; and,
- 4 Evidence of the process that the person followed to establish both their identity and their clear intention to sign the document (usually the email to which the complaint is attached).

Records of a transaction that was signed electronically need to be kept for the same length of time as if the transaction was signed in ink. The retention requirements are based on the function and content of the records rather than its format.

This policy will be made publicly available on the OCIO website and the Human Rights Commission's website.