

Operational Policy

Policy title:	Authorization and Use of Electronic Signature		
Policy number:	ODHS OHA 010-027		
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Approved:	Kristine Kautz, OHA Deputy Director Don Erickson, ODHS Deputy Chief Administrative Officer		

Purpose

The Oregon Department of Human Services (ODHS) and Oregon Health Authority (OHA) are committed to providing staff with the means to effectively work from multiple locations while maintaining the security of agency resources and ensuring adequate documentation for reporting purposes.

Description

This policy establishes the use of electronic and digital signatures by ODHS and OHA when a written signature is not easily obtained, is more efficient, or when an electronic record is replacing a paper document to conduct official state business. Establishes a mechanism for internal business to perform business activities without a requirement that individuals “print, sign, and scan” forms.

Applicability

This policy applies to all ODHS and OHA staff including employees, volunteers, trainees and interns, contingent workers, contractors and partners.

As keepers of the public trust, all agency employees have a responsibility to comply with state and agency policies, administrative rule, and state and federal law. The agency takes this responsibility seriously and failure to fulfill this responsibility is not treated lightly. Employees who fail to comply with state or agency policy, administrative rule, or state and federal law may face progressive discipline, up to and including dismissal from state service.

Policy

1. ODHS and OHA are committed to the appropriate use of electronic methods of identity and document authentication. This policy only applies to electronic and digital signatures.
2. There are many kinds of electronic identity verification. In general, and for the purposes of this policy:
 - a. Electronic signatures are any electronic transmission intended to represent an individual and revealing the intent by the signer to sign the document, including an email representing agreement or consent, an electronically created signature on a document, or a scanned signature.

- b. Digital signatures are electronic signatures that use an encrypted digital certificate and include a method of authenticating (verifying) and certifying that the signature of an individual was made by that individual, creating a digital “fingerprint” for each document signed.
3. The Oregon Department of Justice (ODOJ) has confirmed that, electronic signatures are governed by intent and, with few exceptions, are considered as valid and enforceable as “wet” or “ink” signatures under state and federal law.
4. ODHS|OHA business units can conduct official state business using electronic or digital signatures.
 - a. Most internal business can be conducted via email without a requirement that individuals “print, sign, and scan” forms.
 - b. The options for digital certification of signatures may be considered for all agency contracts.
 - c. Programs for individuals served by ODHS|OHA may require specific tools or processes for signature validation based on federal requirements.
5. Except where agency systems meet federal signature requirements and are procured through the Oregon Enterprise Information Services (EIS) stage-gate process, ODHS|OHA programs shall use tools approved and made available through the Office of Information Services (OIS).
 - a. OIS provides access to approved tools for single and multiple signature forms, workflows, and multiple levels of certification.
 - b. Some solutions are available through Adobe at no cost and Adobe solutions include access to support and training.
6. To find the best signature solution and identify the correct request process, staff shall review the process tools located in the References section of this policy. Additional information can be found on the E-signature OWL page. These tools help programs find the appropriate experts related to program, data, and regulatory requirements to determine the level of signature certification required to meet business need. After reviewing the tools:
 - a. Programs whose forms exist within the agency’s forms server, managed by Publications and Creative Services (PCS), should consult with PCS on the availability of upgrading forms for electronic signature.
 - b. Programs who have federal regulations or requirements, may consult with ODOJ or federal partners about the level of electronic signature required for their forms when federal guidance is unclear.
 - c. BES or ITAM can assist programs with understanding the levels of signature verification available in Adobe tools and Docusign and in accessing training and support for the signatures, forms development, and workflows provided by those tools.
 - d. EIS also is available for assistance, review, and security guidance.
 - e. Additional guidance on tool selection from the Oregon Department of Administrative Services are also available in the Reference section of this policy.
7. To ensure the integrity of electronic or digitally signed records, ODHS|OHA programs shall implement processes to:
 - a. Support the accuracy and completeness of, and access to, electronic records transmitted over the internet or stored in electronic systems.
 - b. Ensure that no unauthorized alteration is made to electronic records.
8. Documents containing electronic or digital signatures shall be retained in accordance with state retention schedules.
9. The ability to use electronic or digital signatures for business purposes does not change any requirements for appropriate signature authority for the business being done.

10. Electronic or digital signatures do not meet requirements for documents requiring that signatures be notarized.
11. Signature solutions and related trainings shall include accessibility features, including but not limited to, adherence to state and federal requirements for product users of all abilities (see References).

References

[15 USC Chapter 96 \(Federal E-sign Act\)](#)

[ORS 84 Uniform Electronic Transactions Act](#)

[OAR 125-600-0005](#)

[Oregon Website Accessibility Standards](#)

[U.S. Government's Section 508](#)

[WCAG 2.1 Level AA standards and guidelines](#)

ODHS|OHA 010-027-01 DAS E-Signature memo

ODHS|OHA 010-027-02 DAS E-Signature Security Tips

ODHS|OHA 010-027-03 Interactive E-Signature Selection Tool

ODHS|OHA 010-027-04 E-Signature Process Map

Forms referenced

MSC 0075 ITAM Request Form

Related policies

[DAS 107-004-050 Information Asset Classification](#)

[ODHS|OHA 010-018](#)

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