



Wake County Electronic Signature Policy

Countywide or	Department:	Division:
Supersedes:		Effective Date:
Approving Authority: County Manager		
Originating Department(s): Finance Department		
Document Classification: Non-Published (Unrestricted)		

I. Purpose:

The purpose of this policy is to establish requirements for the use and acceptance of electronic signatures on documents used in the course of Wake County business where a signature is required to show authorship, approval, submission, or execution as allowed by law.

II. Policy Statement:

On _____, 2018, the Wake County Board of Commissioners passed a resolution authorizing the use and acceptance of electronic signatures on documents identified by the Wake County Chief Financial Officer as eligible for electronic signature. This policy establishes when electronic signatures may be used or accepted when processing identified Wake County documents.

When an electronic signature is used consistent with this policy, it shall satisfy the County's requirements for signing a document.

III. Requirements of Electronic Signature:

To be valid, an electronic signature must meet the requirements outlined in N.C.G.S. § 66-58.5.

The electronic signature must:

- be unique to the person using it;
- be capable of certification;
- be under the sole control of the person using it;
- be linked to data in such a manner that if the data are changed, the electronic signature is invalidated; and
- conform to rules adopted by the Secretary of State of North Carolina pursuant to the Electronic Commerce in Government Act.

IV. Documents permitted to be signed by Electronic Signature:

Each County department may request permission for the use of electronic signature for eligible documents, per N.C.G.S. Chapter 66, Article 11A and N.C.G.S. Chapter 66, Article 40. The Chief Financial Officer, in consultation with the County Attorney, will determine if electronic signatures can be used and accepted pursuant to applicable law and County policy. If the decision is made to permit the use of electronic signature on a document or category of documents, the Chief Financial Officer shall issue a Memorandum to the requesting Department describing the allowed use, and the responsible County department must adopt written procedures to support the use of electronic signature consistent with the Wake County Electronic Signature Policy. The Chief Financial Officer may condition approval upon receipt of supporting written procedures from the Department. If a department incorporates the use of electronic signatures in to a County document or process, other County departments must comply with the Department procedure as related to the approved electronic signature.

V. Accepting Documents with Electronic Signature from Other Parties:

In each case where contracts or elements of transactions must be signed by parties outside of the County, the County shall accept e-signatures meeting the requirements of N.C.G.S. 66-58.5 as legally binding and having the same force and effect of a manual signature.

VI. Documents Involving Other Parties:

In all cases where Electronic Signature from parties outside of Wake County is accepted, the Department shall require the other party to affix signature prior to Wake County signing, except in special exception cases approved by the Wake County Attorney's Office.

VII. Definitions:

- a. Electronic Signature: Any identifier or authentication technique attached to or logically associated with an electronic record which is intended by the party using it to have the same force and effect as the party's manual signature.
- b. Person: Any individual, firm, partnership, corporation, or combination thereof of whatsoever form or character.
- c. Public agencies: Includes every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority, or other unit of government of the State or of any county, unit, special district, or other political subdivision of government.
- d. Transaction: An electronic transmission of data between a person and a public agency, or between public agencies, including, but not limited to, contracts, filings, and legally operative documents.
- e. Electronic: Relating to technology that has electrical, digital, magnetic, wireless, optical, or electromagnetic capabilities or similar capabilities.
- f. Electronic or e-record: A record of information that is created, generated, sent, communicated, received or stored electronically.

VIII. Applicability:

This policy applies to all Wake County documents requiring a signature and are deemed applicable to accept electronic signatures under N.C.G.S..

This policy does not require any department of the County to adopt the use of electronic signature procedures if not requesting to use electronic signatures, or to replace manual signatures with electronic signatures on documents already executed.

The County cannot mandate that any third party use electronic signature.

IX. Security:

Only approved software solutions can be used for electronic signatures on Wake County documents.

Electronic signatures must be permanently attached to the related document and cannot be altered. A permanent audit trail is required.

The solution must alert the reader if any changes have been made to the document after the signature has been applied.

X. Policy Responsibility and Management:

- **Responsibility for the Policy:** The Finance Department has responsibility for development and implementation of this policy. Within this department, the responsibility is delegated to the Chief Financial Officer.
- **Policy Management:** The Chief Financial Officer will review this policy no less than annually from adoption or last revision date. The Chief Financial Officer shall make any necessary revisions in accordance with standard practice changes, statutes or changes in the law. Any policy revision made shall be submitted to the appointed policy committee at the time of revision for approval and adoption.
- **Plan for communicating and training:** The Chief Financial Officer will communicate this policy and any changes to the policy to all department heads. Department heads are responsible for disseminating policies and updates to their staff and ensuring their staff attends any associated training.
- **Contact Department/Division and number:** Chief Financial Officer, Finance Department, 919-856-6120.

XI. Related Policies, Procedures, and Publications:

Contract Control Policy

XII. Appendices:

None

XIII. Legal and Regulatory References

Reference Document	Reference Item	Description
N.C.G.S. § 66	Article 11A	Electronic Commerce Act
N.C.G.S. § 66	Article 40	Uniform Electronic Transactions Act
N.C.G.S. § 66	58.5	Validity of electronic signatures

XIV. Approval History:

Approval Date	Version	Approver(s)	Role(s)

XV. Revision History:

Effective Date	Version	Section(s) Revised	Author