

Data Management - Electronic Signatures

An electronic signature is an automated function which replaces a handwritten signature with a system generated signature statement. Electronic signatures will be utilized for records as a means for authentication of transcribed documents and/or electronic entries. According to Colorado UETA (Uniform Electronic Transactions Act) system generated electronic signatures are considered legally binding and enforceable. District employees and persons conducting business with the district will be allowed to utilize an electronic signature in accordance with this policy and state and federal regulations regarding such. The Colorado UETA defines an electronic signature as follows:

“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.

Electronic signatures may be used if the following conditions are met:

1. Where policies, laws, regulations and rules require a signature, that requirement is met if the document contains an electronic signature.
2. Where policies, laws, regulations and rules require a written document, that requirement is met if the document is an electronic record.
3. When each party to a transaction agrees to conduct the transaction electronically. Consent may be implied from the circumstances, except with respect to the electronic records used to deliver information for which consumers are otherwise entitled by law to have received in writing.
4. If a law prohibits a transaction from occurring electronically, the transaction must occur in the manner specified by law.
5. If a law requires an electronic signature to contain specific elements, the electronic signature must contain the elements specified by law.
6. If a law requires that a record be retained or retained in its original form, that requirement is satisfied by retaining an electronic record of the information in the record that accurately reflects the information set forth in the original record and remains accessible for later reference.

Legal

C.R.S. 24-71.3-101 (Uniform Electronic Transaction Act)

18 U.S.C. 2510 (Electronic Communications Privacy Act)

[Adopted July 2018]

Lake County School District R-1, Leadville, Colorado