



Washington State Conservation Commission

Policy #	22-01 Use of Electronic Signatures and Submissions
Applies to:	All Washington State Conservation Commission staff
Effective Date:	October 26, 2022
Approved by:	 Christopher Pettit, Executive Director

PURPOSE

The purpose of this policy is to:

1. Identify those instances where electronic signatures are authorized for the conduct of the business of the Washington State Conservation Commission (WSCC).
2. Promote the use of electronic signatures and submissions across the agency through the use of appropriate technologies;
3. Provide reasonable assurance for the integrity, authenticity, and nonrepudiation of electronic documents and records when electronic signatures and submissions are used and accepted; and
4. Provide for the retention, consistent with state law and policies, of electronically signed documents.

BACKGROUND

State statutes authorize each state agency to determine whether, and the extent to which, the agency will send and accept electronic records and electronic signatures to and from other persons, and otherwise create, generate, communicate, store, process, use, and rely on electronic records and electronic signatures. RCW 1.80.160; RCW 1.80.170(1).

Unless specifically provided otherwise by law or agency rule, whenever the use of a written signature is authorized or required, an electronic signature may be used with the same force and effect as the use of a signature affixed by hand. RCW 1.80.060.

Each state agency may determine whether, and the extent to which, the agency will accept electronic records and electronic signatures. The agency may determine the manner and format of the records; the means by which the documents may be electronically signed; the control process and procedures regarding the signatures and documents; any other required attributes of the electronic records. RCW 1.80.170.

POLICY

To the fullest extent allowed by law, the WSCC encourages electronic transactions and recognizes electronic records and signatures in certain circumstances identified in this policy.

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 Washington State's Office of the Chief Information Officer (OCIO).

Standards, Limitations, and Processes:

The WSCC executive director will approve the specific technology to be used for electronic signatures. Who may use electronic signatures to complete WSCC transactions is determined by the nature of the document identified in this policy. The WSCC will provide users with a document for printing or download as part of the signing process.

Individuals and entities otherwise eligible to use electronic documents to conduct WSCC transactions may opt out of conducting such transactions electronically. RCW 1.80.040. The individual or entity must notify the WSCC in writing of the intent to opt out.

Corrections to errors in electronically signed documents shall be made consistent with RCW 1.80.090. Parties to the signed document must promptly notify other parties of any error in the document or the electronic signature.

The approved technology to be used for electronic signatures is Adobe Sign. Adobe Sign is a cloud-based e-signature service that allows the user to send, sign, track, and manage signature processes using a browser or mobile device. It is part of the Adobe Document Cloud suite of services.

When a Record is Deemed Provided, Sent, or Delivered¹:

It is the policy of the WSCC that a transaction by electronic means is deemed to satisfy requirements to provide, send, or deliver information to the another person when the information is provided, sent, or delivered in an electronic record capable of retention by the recipient. The electronic record is not capable of retention by the recipient if the sender or its information processing system inhibits the ability of the recipient to print or store the electronic record. RCW 1.80.070(1). If a sender inhibits the ability of a recipient to store or print an electronic record, the electronic record is not enforceable against the recipient. RCW 1.80.070(3).

When a record is deemed sent:

Unless otherwise agreed upon between the WSCC and the recipient of an electronic document, an electronic document is deemed to be sent when it:

- a) Is addressed properly or otherwise directed properly to an information processing system designated by the recipient;
- b) Is in a form capable of being processed by that system; and
- c) Enters an information processing system outside the control of the sender, or enters a system under the control of the recipient.

¹ See RCW 1.80.140

When a record is deemed received:

Unless otherwise agreed upon between the WSCC and the sender, an electronic document is deemed received when:

- a) It enters an information processing system the recipient has designated or uses for the purposes of receiving electronic records; and
- b) It is in a form capable of being processed by that system.

An electronic record is received even if no individual is aware of its receipt.

The WSCC may use an electronic acknowledgement from an information processing system to establish the record has been received.

Transactions that May Be Completed Electronically:

Not all transactions with the WSCC may be conducted electronically. The list of allowable transactions is attached as Appendix A.

Records Collection and Retention:

All collection and retention of electronic records shall be consistent with the appropriate Secretary of State schedules and records guidelines.

The WSCC will focus on four components that form the record/ evidence of an electronic signature transaction that will be preserved:

1. Electronic document of what the person is actually agreeing to;
2. Electronic signature that was applied;
3. Date and time the document is received by the WSCC; and,
4. Evidence of the process that the person followed to establish both their identity and their clear intention to sign the document.

Records of a transaction that was signed electronically will 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.

Roles and Responsibilities of WSCC Staff:

WSCC staff will have the following roles in the electronic signature process and record collection and retention:

- Authority to Sign: Agency authority to sign documents listed on the most recent Agency Signature Authority List Appendix A.
- Records Collection and Retention: All collection and retention of electronic records shall be consistent with the appropriate Secretary of State schedules and records guidelines.

SCC Authorized Signature Forms List

Forms	Formstack Forms	Digital Signature	Wet Signature	Notes
Local Government Documents*				
Addendum	X			No signature
Assignment of Payment		X	X	either/or
Authorized Signatures			X	
Budget Revision	X			No signature
Advance Payment Agreement	X	X		
Composite Rate Form	X			No signature
Exceeding Max Per Diem		X	X	either/or
Initial Payment Request	X			No signature
NRI Multi-Landowner Application	X			No signature
Partial/Final Payment Form	X			No signature
Returned Funds - Capital	X			No signature
Returned Funds - Operating	X			No signature
Task Order Billing Report				No signature
Task Order Form		X	X	either/or
Travel Expense Voucher Form A-20		X	X	either/or
Voucher Pages		X	X	either/or
Timesheets (districts)		X	X	either/or
Master Contracts		X	X	either/or
Voluntary Stewardship (VSP) contracts		X	X	either/or
Cost Share Contract		X	X	either/or
Appendix A				No signature
Appendix B				No signature
Individual Contributed Services (no mileage)		X	X	either/or
SCC Internal & External Documents				
Timesheets (staff)		X	X	either/or
Meals with Meetings Authorization Forms		X	X	either/or
Commissioner Compensation Forms		X	X	either/or
Contracts to and from other Agencies/Entities		X	X	either/or
Ag Easement Documents				
SCC Ag Conservation Easement Baseline		X		
Purchase and Sale Agreement for Conservation Easement		X		
Acknowledgment of Conservation Easement		X		
Conservation Easement Deed			X	
* Examples of local governments include, but is not limited to, conservation districts and counties				