

 PA TURNPIKE COMMISSION POLICY <i>This is a statement of official Pennsylvania Turnpike Policy</i>		NUMBER: 8.13 APPROVAL DATE: 08-20-19 EFFECTIVE DATE: 09-04-19 REVISED DATE:
POLICY SUBJECT: Electronic Signatures	RESPONSIBLE DEPARTMENT: Legal	

A. PURPOSE:

This policy establishes the Pennsylvania Turnpike Commission’s (Commission) approach for adopting Approved Electronic Signature Methods to ensure Electronic Signatures applied to Electronic Records are legally valid and enforceable.

B. SCOPE:

This policy applies to all Commission processes that are adopting and implementing Electronic Signatures to sign Electronic Records.

C. GENERAL POLICY:

Many processes require Commission employees, contractors, grantees and other authorized agents to sign documents in order to signify knowledge, approval, acceptance, obligation, or intent by the identified signatory. The Commission may identify specific processes that the Commission is willing to conduct by Electronic Transaction. Chief Counsel or Chief Counsel’s designee is responsible for deciding which type of Electronic Signature is appropriate for an Electronic Transaction. Only Approved Electronic Signature Methods may be used for Electronic Transactions.

D. DEFINITIONS:

Approved Electronic Signature Method – A method that has been approved by the Chief Counsel and Chief Technology Officer in accordance with this policy and all applicable state and federal laws, and which specifies the form of the Electronic Signature, the systems and procedures used with the Electronic Signature, and the significance of the use of the Electronic Signature.

Electronic Record – A record created, generated, sent, communicated, received, or stored by electronic means.

Electronic 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 a record.

Electronic Transaction – A transaction conducted or performed, in whole or in part, by electronic means or Electronic Records.

Record – Information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form. Financial and other documents or forms are records.

E. PROCEDURES:

1. The IT Department shall develop, maintain and publish IT standards and procedures for the use of Electronic Signatures. The applicable IT standards shall be published/made available to internal PTC employees, consultants and independent contractors, as well as the general public.
2. Use of an Electronic Signature
 - a. Where a Record requires the signature of a responsible person, that requirement is met when the Record has an Electronic Signature using an Approved Electronic Signature Method.
 - b. The signing of a Record using an Approved Electronic Signature Method does not mean that the Record has been signed by a person authorized to sign or approve that Record. Appropriate procedures must be used to confirm that the person signing the Record has the appropriate authority.
 - c. If parties have agreed to conduct an Electronic Transaction and a law requires a person to provide, send, or deliver information in writing to another person, the requirement is satisfied if the information is provided, sent, or delivered, as the case may be, in an Electronic Record capable of retention by the recipient at the time of receipt. An 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.
3. Approval of Electronic Signature Methods by Chief Counsel and Chief Technology Officer
 - a. The final approval of any Electronic Signature method will be by Chief Counsel and Chief Technology Officer. In determining whether to approve an Electronic Signature method, consideration will be given to the systems and procedures associated with using that Electronic Signature, and whether the use of the Electronic Signature is at least as reliable as the existing method being used.
 - b. The approval of an Electronic Signature Method can limit the use of that method to particular Electronic Records, particular classes of Electronic Records, or particular Commission departments. An Electronic Signature used outside of its limitations will not be considered valid by the Commission.

- c. If the Chief Technology Officer, Chief Counsel or their designee determines that an Approved Electronic Signature Method is no longer trustworthy, the IT Department shall develop an alternative Approved Electronic Signature Method. The Chief Technology Officer and Chief Counsel shall also decide whether any valid Records signed with the prior, untrustworthy Electronic Signature method must be signed again with an Approved Electronic Signature Method.

4. Exceptions

Any exception to this policy must be approved in advance by Chief Counsel and Chief Technology Officer.

5. Disciplinary Action

Any employee that makes inappropriate or illegal use of Electronic Signatures and/or Records is subject to disciplinary action up to and including termination, and, where applicable, civil or criminal prosecution.

This Policy Letter supersedes all previous Policy Letters on this subject.