

1613 Electronic Signatures and Records

Responsible Official: Controller

Responsible Office: Controller's Office

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Scope

This policy identifies the requirements for maintaining records in electronic form and for the use of electronic signatures by Yale employees with signature authority.

Employees must have signature authority in order to execute legal documents on behalf of the University, including, but not limited to, contracts and grant applications. The first four sections of this policy apply to electronic signatures used for legal documents. (See Policy 1104 Signature Authority, Approval Authority & Access for Financial Transactions, for further information on signature authority.)

The last section (1613.5) of this policy applies to the use of electronic signatures for non-legal purposes, such as approving internal documents or signing emails.

Policy Statement

Yale encourages the use of electronic records and signatures whenever they can increase efficiency and save resources, so long as their use meets legal and security requirements.

Reason for the Policy

Recognizing that electronic transactions promote efficiency, federal and state statutes now provide that a record or signature may not be denied legal effect or enforceability solely because it is in electronic form. This policy is intended to promote efficiency and save resources by providing general guidance on the use of electronic signatures and records at Yale.

Definitions

Electronic record –any combination of text, graphics, data, audio, pictorial, or other information in digital form that is created, modified, maintained, archived, retrieved, or distributed by a computer system.

Electronic signature –a computer data compilation of any symbol or series of symbols executed, adopted, or authorized by an individual to be the legally binding equivalent of the individual’s handwritten signature.

Signature authority - permission given or delegated to sign instruments, contracts, receipts or other documents on behalf of the University.

Policy Sections

1613.1 Approval of Electronic Signature Methods

Because those with signature authority are executing legal documents on behalf of the University, their electronic signatures must use a secure certificate-based electronic signature service that has been approved by Information Technology Services (ITS). This ITS-endorsed service and a step-by-step description of its use are provided in Procedure 1613 PR.01. This electronic signature service is available to only those with signature authority.

ITS must approve all electronic signature services used for signature authority to ensure that (i) the services have appropriate security procedures that can accurately attribute electronic records or electronic signatures to the individuals that created them, and (ii) the services do not result in the remote storage of confidential or sensitive Yale records without proper safeguards.

In addition, ITS must approve all requests by employees to use the secure, authenticated electronic signature application to ensure that they have been authorized to sign documents on behalf of the University (i.e. that they have signature authority).

Members of the Yale community with signature authority may use only those electronic signature methods that are stated in Procedure 1613 PR.01, unless:

- the electronic signature is part of an electronic workflow system that has been approved by ITS; or
- they have received written permission from the ITS Information Security Office to use a different signature method (See Section 4 of Procedure 1613 PR.01 ([link](#))); or
- the signature method is part of a document management service provided to Yale under a contract approved by the Office of the General Counsel and the ITS Information Security Office.

1613.2 Use of Electronic Signatures and Electronic Records

Except as stated in section 1613.3 below, when the law or Yale policy requires a written **signature** on a document binding the University, you may use an approved certificate-based electronic signature. Approved certificate-based electronic signatures are legally binding and equivalent to handwritten signatures.

Except as stated in section 1613.3 below, when the law or Yale policy requires a written **document**, you may meet this requirement by creating and retaining an electronic record. Electronic records are legally binding and equivalent to written documents.

Except as stated in section 1613.3 below, when the law or Yale policy requires that a **record be retained in its original form**, you may retain the record as an electronic record so long as:

- the electronic record is maintained in reasonable order and in a safe and accessible place, so that it can be readily inspected or examined;
- the electronic record is legible in its electronic form; and
- the electronic record is readily convertible into a legible paper copy.

If you are unsure whether a document may be signed or retained electronically, you may consult the Office of the General Counsel.

1613.3 Exceptions to Use of Electronic Signatures and Electronic Records

You may not use electronic signatures or electronic records when Yale policies or federal or state laws or regulations do not allow their use. The following are important examples of records that cannot be signed or retained electronically:

- wills and testamentary trusts;
- promissory notes;
- any document required to accompany any transportation or handling of hazardous materials, pesticides or other toxic or dangerous materials;
- notices involving mortgages or leases that could lead to the loss of a primary residence. and
- notices of the cancelation or termination of health insurance, health benefits, or life insurance benefits.

If you are unsure whether a document may be signed or retained electronically, you may consult the Office of the General Counsel.

1613.4 Accountability

Employees with signature authority are equally accountable for properly and appropriately executing documents on behalf of the University whether they sign the document manually or electronically.

1613.5 Electronic Signatures for Internal Non-Legal Approvals

If you would like to use an electronic signature for approving internal documents, there are no University requirements to use a specific electronic signature application. However, regardless of the application you use, your printed name and the date must appear with your signature. See Procedure 1613.PR.01 Electronic Signatures for further information on creating and using an electronic signature for internal non-legal approvals.

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