

**The Corporation Of The City Of Quinte West
By-Law Number 20-071**

Being A By-Law To Adopt An Electronic Signatures Policy For The City of Quinte West.

Whereas the *Electronic Commerce Act, 2000*, allows the use of electronic signatures, subject to prescribed requirements;

And Whereas Council deems it expedient to establish an Electronic Signatures Policy for the City of Quinte West;

Now Therefore The Council Of The Corporation Of The City Of Quinte West Hereby Enacts As Follows:

1. That this By-law shall be entitled the “**Electronic Signatures Policy By-law**”.
2. That the Electronic Signatures Policy as set out in Schedule ‘A’ attached hereto, is hereby adopted for the City of Quinte West.
3. This By-law shall take effect upon the final date of passing.

Read A First, Second And A Third Time And Finally Passed This 10th Day Of August 2020.



Jim Harrison, Mayor



Kevin Heath, City Clerk



A Natural Attraction

ELECTRONIC SIGNATURES POLICY

BY-LAW 20-071

SCHEDULE "A" - ELECTRONIC SIGNATURES POLICY

Issued: August 10, 2020

1. POLICY STATEMENT:

- 1.1** The City of Quinte West is committed to streamlining services in order to continue to provide excellent customer service. This policy will outline the parameters and requirements related to the usage of electronic signatures within the City of Quinte West.

2. SCOPE:

- 2.1** This policy shall apply to all municipal departments and employees in the City of Quinte West who use electronic signatures in the course of their prescribed duties.
- 2.2** This policy does not mandate the use of e-signatures, nor does it limit the City's right or option to conduct a transaction on paper or in a non-electronic format (handwritten), nor affect the City's right or obligation to permit or require documents to be provided or made available on paper when permitted.
- 2.3** This policy shall not apply when a handwritten signature is required by law.
- 2.4** All electronic submissions received are subject to the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

3. PURPOSE:

- 3.1** The purpose of this policy is to provide staff guidance on how to use an e signature, provide information on when an e-signature is appropriate and to ensure that the processes users follow when using handwritten signatures are translated / adhered to into the electronic processes.
- 3.2** To expedite workflow processes and improve customer service.

4. DEFINITIONS:

- 4.1. Department Head:** The appointed head of each department or their designate as identified in the City's current Organization Chart and approved by Council.
- 4.2. Electronic Document:** A document in digital form.
- 4.3. Electronic Record:** A record of information that is created, generated, sent, communicated, received or stored by electronic means.
- 4.4. Electronic Submission:** Refers to a document submitted through electronic means including but not limited to email, web form, facsimile, external device (i.e. compact disc, hard disk, USB flash drive).
- 4.5. Electronic Signature or E-Signature:** Refers to symbols or other data in digital form included with an electronic submission as verification of the sender's intent to sign. Electronic signatures include but are not limited to, a typed name at the end of an email, a typed name on an electronic form or document, an image of a handwritten signature on an electronic submission, a personal identification number (PIN); clicking "agree" or "disagree", a handwritten but digitally captured signature made on a touch device, such as a tablet or smartphone (sometimes referred to as a "dynamic signature") and a digital signature that is attached to or associated with an electronic document.

5. APPLICATION:

- 5.1.** An electronic signature is permitted in Ontario as per the Electronic Commerce Act, 2000 with the following stipulations:
- The City must be able to reliably identify the person signing;
 - The City must be able to reliably associate the signature to the document it is for; and
 - That e-signatures meet internal information technology standards.
- 5.2.** No person/business that deals with Quinte West shall be compelled or required to transact using electronic signatures. Where a traditional handwritten (wet) signature is requested, the City shall consent.
- 5.3.** Any existing Federal, Provincial and Municipal laws that prohibit electronic signatures shall supersede this policy. The laws include, but are not limited to:
- *Municipal Act, 2001*
 - *Municipal Elections Act, 1996*
 - *Criminal Code*
- 5.4.** Information on how to appropriately create and receive an electronic signature document shall be provided in the City of Quinte West "Help Desk" system.
- 5.5.** Department Heads, at their sole discretion, may permit an employee in performing their prescribed duties, to accept the electronic submission of documents bearing electronic signatures.
- 5.6.** When using an electronic signature, all existing practices that would be required for a handwritten signature must be observed. Employees are required to follow existing rules for delegated authority, financial approvals and records management. Employees who use electronic signatures have a responsibility to ensure the identity of all parties involved in signing a document.
- 5.7.** The manner in which electronic submissions bearing electronic signatures are received must be reliable for the purpose of identifying the person and shall be accepted or declined at the sole discretion of the responsible employee performing their prescribed duties.
- 5.8.** No person, through the transmission of an electronic submission bearing an electronic signature shall represent themselves in a way that is false or misleading. Where an employee performing their prescribed duties believes that a misrepresentation has occurred, the submission shall not be processed.
- 5.9.** No routine acknowledgement of receipt from the City is required in conjunction with an electronic submission. It is the sole responsibility of the person transmitting an electronic submission to ensure that the submission has been received.
- 5.10.** The assignment of appropriate records retention and disposition of electronic submissions shall be managed in accordance with the City's Records Management System, including but not limited to its policies, procedures, and by-laws in force and effect.
- 5.11.** Where outside agencies request signatures from the City, the City will prefer to use electronic signatures.

THE CORPORATION OF THE CITY OF QUINTE WEST
SCHEDULE "A" TO BY-LAW NO. 20-071
ELECTRONIC SIGNATURES POLICY

5.12. Employees who falsify electronic records, electronic transactions or e-signatures are subject to disciplinary action up to and including termination of employment.

6. IMPLEMENTATION:

6.1. This policy shall take effect immediately upon the approval of Council.