

THE CORPORATION OF THE CITY OF WINDSOR
POLICY

Service Area:	Office of the City Solicitor	Policy No.:	
Department:	Legal, Real Estate & Risk Management	Approval Date:	April 19, 2021
Division:		Approved By:	CR 138/2021
		Effective Date:	April 19, 2021
Subject:	Electronic Signature Policy	Procedure Ref.:	
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1. POLICY

1.1. The Corporation of the City of Windsor (the “Corporation”) is committed to streamlining services using the most up to date technology in order to continue to provide excellent customer service. This Policy and related procedures will identify types of documents for which electronic signatures will be acceptable and the manner in which an electronic signature must be provided.

2. PURPOSE

- 2.1. To provide guidance on when electronic submissions are considered official and acceptable by the Corporation.
- 2.2. To adopt a reliable and consistent approach to the use of electronic signatures.
- 2.3. To expedite workflow processes, modernize records, reduce the need for physical recordkeeping and improve customer service.

3. SCOPE

- 3.1. This Policy applies to all Departments, Members of Council and employees of the Corporation, including Transit Windsor (as approved by Transit Windsor Board Resolution M104-2015).
- 3.2. This Policy applies to all documents that are City-owned or created and/or external documents where execution or sign-offs are required. These include forms, applications, agreements and correspondence where there is a need for

a signature from the Corporation or an external third party, and only when statutory or regulatory requirements allow for electronic signatures or electronic submissions.

3.3. This Policy in no way grants any additional rights or authority on Administration that have not been delegated by Council, and nothing within this Policy shall be construed to the contrary.

3.4. All electronic submissions received are subject to the *Municipal Freedom of Information and Protection of Privacy Act*, RSO 1990, as amended and Personal Information Protection and Electronic Documents Act, S.C. 2000, c.5, where applicable.

4. DEFINITIONS

4.1. Electronic Signature: The *Electronic Commerce Act, 2000*, S.O. 2000, c.17 (ECA) defines an electronic signature as “electronic information that a person creates or adopts in order to sign a document and that is in, attached to or associated with the document.” 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, electronic initials when required, 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.

4.2. Digital Signature: A digital signature is produced by an Electronic Signature Software, and validates the authenticity of the electronic signature.

4.3. Electronic Signature Software: The software used by the Corporation when execution or sign-offs of documents are required.

5. RESPONSIBILITY

5.1. The Chief Administrative Officer and the City Clerk are responsible to contractually bind the Corporation, as delegated by Council.

5.2. The Legal Department is responsible to administer this Policy and answer questions related to the applicability and legality of using electronic signatures where necessary.

5.2.1. The Legal Department will be responsible for the review of this Policy every five (5) years.

5.3. The Information Technology Department is responsible to provide guidance and support for the approved software to be used by the Corporation in reference to electronic signatures as well as ensuring the security of any electronic files.

5.4. Executive Directors and Senior Managers are responsible to ensure that staff are aware of and abide by this Policy and any related procedures.

5.4.1. Executive Directors and Senior Managers are responsible to report any issues relating to the application of this Policy including electronic security issues as soon as they are made aware of the situation.

5.4.2. Executive Directors and Senior Managers are responsible to liaise with the Legal Department in order to determine the situations in which electronic signatures will be accepted.

5.5. Employees are responsible to ensure they follow this Policy and its related procedures in all circumstances, and to report any issues that may arise in the use of an electronic signature to their Executive Director or Department Head.

5.5.1. Employees must only use the methods outlined in this Policy when accepting electronic signatures.

5.5.2. Employees are responsible to bind the Corporation where delegated by Council.

6. GOVERNING RULES AND REGULATIONS

6.1. Electronic signatures are not legally binding in all circumstances. The ECA does not apply to wills and codicils, trusts created by wills or codicils, powers of attorney, negotiable instruments, and documents of title except for contracts for carriage of goods. Further, the ECA only applies to electronic signatures governed by provincial legislation.

- 6.2. An electronic signature from an external party will not be accepted if it does not comply with the ECA or other governing law that may be applicable, as determined by the Legal Department.
- 6.3. No person shall be compelled or required to use, provide, or accept an electronic signature without their consent. The Corporation will consent to using both traditional (ink) signature and/or electronic signature provided by an external party.
- 6.4. No person shall represent themselves in a way which is false or misleading through the transmission of an electronic signature. Where an Executive Director or Senior Manager believes a misrepresentation has occurred, the signature will not be accepted.
- 6.5. Subject to the terms of this Policy, an electronic signature from an external party utilizing an electronic signature software is acceptable, provided it meets the Corporation's information technology standards and meets the Corporation's standards as to method and reliability.
- 6.6. Subject to the terms of this Policy, when an electronic signature from an external party is submitted as a scanned counterpart copy of an original signature that is sent via email, fax, or other electronic means, it is acceptable, provided the terms and conditions of the agreement allow for signatures to be provided in counterparts, it meets the Corporation's information technology standards, meets the Corporation's standards as to method and reliability, and the original signature is sent to the Corporation by courier or mail in due course.
- 6.7. Subject to the terms of this Policy, where members of Administration are required to affix their signature to documents that are City-owned or created and/or external documents where execution or sign-offs are required, they may utilize an electronic signature software to do so, provided it meets the Corporation's information technology standards and meets the Corporation's standards as to method and reliability.

7. RECORDS, FORMS AND ATTACHMENTS

7.1. Documents generated as a result of this Policy and any related procedures will be maintained in accordance with the Corporation's Record Retention By-law subject to any other policy and/or legislation.