

BY-LAW 44-23

OF THE CORPORATION OF THE TOWN OF AYLMER

Being a By-Law to adopt a Policy for the Use and Acceptance of Electronic Signatures for the Town of Aylmer.

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 Town of Aylmer;

THE COUNCIL OF THE CORPORATION OF THE TOWN OF AYLMER HEREBY ENACTS AS FOLLOWS:

1. THAT the Use and Acceptance of Electronic Signatures attached as Schedule A to and forming part of this By-Law be approved;
2. THAT this By-Law shall come into force and effect on the date of its final passage;
3. This by-law shall come into force and effect on the final date of passing.

READ A First, Second, and Third time this 12th day of July 2023.

MAYOR, Jack Couckuyt

CLERK, Josh Brick

Authority: Council
Staff Report Number: CLRK 38-23
Staff Report Date: July 12, 2023



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Subject: Use and Acceptance of Electronic Signatures
Policy #: 2023-01
Date Approved:
Date Revised:
Next Review Year: 2028

1. Purpose

This Policy is designed to provide guidance on when electronic submissions are considered official and acceptable by the Town.

This policy applies to all Town employees, members of council, contractors and volunteers engaging in internal and external transactions involving signatures, which they conduct or in which they participate representing the Town. It also applies to members of the public, consultants, vendors, and other persons, when they engage in electronic transactions with the Town. This Policy applies only to transactions between the Town and the other person(s), each of which has agreed to conduct transactions by electronic means, as well as internal electronic processes, where the electronic signature is used.

2. Background

The Personal Information Protection and Electronic Documents Act (PIPEDA) and the Electronic Commerce Act (2000) (the “Ontario Act”) govern the use of electronic signatures and equates them to paper-based signatures. According to these acts, electronic signatures are permitted for most records where a wet ink signature would be accepted.

3. Definitions

Electronic record: a record created, generated, sent, communicated, received, or stored by electronic means.

Electronic signature: electronic information that a person creates or adopts in order to sign the document and that is in, attached to or associated with the document.

Electronic signature method: any form of an electronic representation of a person's signature that can be linked or attached to an electronic document or transaction (e.g., signature block in an email, scanned hand-written signature, recorded voice command, user authentication to an internal application to approve a transaction, asymmetric cryptography based electronic signature, etc.).

Person: an individual or a business, government or other entity participating in an electronic transaction with the Town.

Record: information created, received, and maintained as evidence and information in the transaction of business or the pursuance of legal obligations.

Vital records: records containing vital information for the Town to continue its key functions and activities in case of an emergency/disaster.

Wet (manual) signature: signature made on the physical document using physical means, for example, ink signature by hand.

4. Policy Statement

It is the policy of the Town of Aylmer to use and accept electronic signatures with the same force and effect as the wet signature, wherever appropriate, unless specifically provided otherwise by applicable legislation or the Town's policies and procedures. Appropriate uses will be determined in accordance with the Policy and include the Town's internal and external processes, as well as acceptance of externally generated records which have been electronically signed.

5. Roles and Responsibilities

The Legislative Service Department shall maintain the primary responsibility for coordinating the implementation and maintenance of this policy, as well as ensuring compliance with its requirements.

All employees, volunteers, and members of Council shall comply with this policy when participating in or coordinating Town electronic transactions.

Directors and the CAO, in collaboration with the Town's information technology support team, if necessary, may decide on using and accepting the electronic signature in a specific transaction.

6. Procedure

- 6.1. Use of an electronic signature will only be with the consent of all parties (including the consent of the Town, in accordance with this Policy and applicable procedures). The Town will not require other persons to use an electronic signature.
- 6.2. Where a wet signature is requested, the Town will consent to its use.
- 6.3. This Policy does not mandate any specific electronic signature software, so long as the application adopted meets the requirements outlined in this Policy and related policies and procedures. Any electronic signature software must undergo a review by the Director of Corporate and Legislative Services, in collaboration

with the Town's information technology support team, before it is adopted by the Town.

6.4. The method of the electronic signature used in a transaction will be determined based on:

- the reason for or context of the signature;
- risks associated with the particular type of transaction and the electronic record it is documented by;
- legal requirements (including integrity and reliability);
- retention requirements of the electronic record being signed; and
- the ability of the method to validate the electronic signature throughout the retention period of the electronic record containing the electronic signature.

6.5. In order for a technology or process to be accepted for the purposes of the electronic signature, it must meet the following minimum requirements:

- The electronic signature must be executed or adopted by the signer with an intent to sign.
- The electronic signature must be unique to the signer.
- The use of the technology or process adopted by the signer to incorporate, attach, or associate the electronic signature to an electronic document is under the sole control of the signer.
- The technology or process can be used to identify the signer.
- The electronic signature must be linked to an electronic document in such a way that it can be determined whether the electronic document has been changed since the electronic signature was incorporated in, attached to, or associated with the electronic document.
- The continuing integrity of the electronic record, and its association or linkage to its electronic signature, and any associated data must be maintained, following the completion of the signing process.
- The electronic record with the electronic signature incorporated in, attached to, or associated with it must be capable of being received, accessed and retained by the Town and any person who is entitled to have access to the document that was originally created, sent or received, or who is authorized to require its production.
- The technology or process used must be able to include various supporting information (e.g., date and time associated with the signing transaction, origin, destination, etc.)

6.6. The Town shall not accept an electronic signing transaction if the method used by the other person does not meet the requirements outlined in this Policy and the related Town procedures. The Director of Corporate and Legislative

Services, in collaboration with the Town's information technology support team, will establish whether the software meets these requirements.

6.7. In addition to this policy, Town staff will maintain office procedures to:

- identify specific record types that can be signed electronically;
- identify specific record types that will not be signed electronically;
- identify electronic methods by which specific electronic record types may be signed;
- identify the manner in which electronic records with an electronic signature incorporated in, attached to or associated with must be created, internally shared, sent, received, and retained by the Town;
- identify methods of achieving consent;
- determine specific technical requirements for electronic signature methods and technologies (which address and may accede any requirements set out by applicable law); and
- establish other processes the Town will follow to implement this policy.

6.8. This policy will be reviewed every five years.

7. Documentation / References

Records Management Policy

Record Retention By-Law

Electronic Commerce Act, 2000, SO 2000, c. 17

Personal Information Protection and Electronic Documents Act, S.C. 2000, c. 5

CAN/CGSB-72.34-2017 Electronic Records as Documentary Evidence (The National Standard of Canada)