



EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

ADMINISTRATIVE DIRECTIVE NO. 16-01

TO: All Executive Branch Department Heads

FROM: David Y. Ige  
Governor

SUBJECT: eSign (Electronic Signature) Technology

Effective beginning with the date of this Administrative Directive, all Executive Branch agencies are to begin development and implementation of eSign processes as soon as practicable. This policy supersedes Department of Human Resources Development (DHRD) Policy & Procedure No. 104.001, Electronic Signatures/Electronic Records. Similar to DHRD Policy & Procedure No. 104.001, the intent of this Administrative Directive is to continue efforts to increase efficiency and sustainability of departmental operations.

I. Policy:

In a continuing effort to make government more efficient by taking advantage of technological advances that will move state government toward a “paperless” environment, it is my expectation that all Executive Branch agencies will begin developing plans to implement eSign processes within their respective departments as soon as practicable. As provided for in Chapter 489E, Hawaii Revised Statutes (HRS), Uniform Electronic Transactions Act, the use of a signature made via eSign will be an acceptable alternative to an original signature for all forms and documents utilized by Executive Branch agencies.

II. Rationale:

Chapter 489E, Hawaii Revised Statutes (HRS), Uniform Electronic Transactions Act, provides that an electronic record and/or electronic signature may be used to satisfy legal requirements. Further, section 489E-7(c) provides that, “[i]f a law requires a record to be in writing, an electronic record satisfies the law.” Similarly, section 489E-7(d) provides that, “[i]f a law requires a signature, an electronic signature satisfies the law.”

The use of electronic records and signatures in connection with departmental processes will positively impact government agencies in a variety of ways, including the following:

- Reducing reliance upon paper and paper-based processes;
- Facilitating more timely actions;
- Enabling the streamlining of processes;
- Expediting and facilitating more seamless communication between employees, managers and decision-makers; and
- Reducing costs relating to paper and employee time.

Government agencies are already vested with statutory authority to utilize and/or accept electronic records and signatures; and as provided for in HRS §§489-E-17 and E-18, agencies may specify:

- A. The manner and format in which the electronic records shall be created, generated, sent, communicated, received, and stored and the systems established for those purposes;
- B. If electronic records must be signed by electronic means, the type of electronic signature required, the manner and format in which the electronic signature shall be affixed to the electronic record, and the identity of, or criteria that shall be met by, any third party used by a person filing a document to facilitate the process; and
- C. Control processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records.

In view of the immediate benefits that could be gained by utilizing technology to expedite existing processes, it makes sense for state government to embrace this technology and implement it to the fullest extent possible. Therefore, pursuant to HRS Chapter 489E, I am authorizing the use of eSign by Executive Branch agencies to facilitate the use, creation, communication, storage and reliance upon electronic signatures and electronic records.

III. Definitions:

Consistent with HRS §489E-2, the following definitions shall apply for purposes of this policy:

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

“Electronic signature” means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

“Government agency” means an executive, legislative, or judicial agency, department, board, commission, authority, institution, or instrumentality of the federal government or of a state or of a county, municipality, or other political subdivision of a state.

“Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

IV. Scope:

This policy applies to all government agencies in the Executive Branch, not including the University of Hawaii and Department of Education.

V. General Provisions and Responsibilities:

A. General Provisions

1. This policy applies to the utilization, completion and transmission of all forms and documents utilized by Executive Branch agencies.
2. On all such forms and documents that have been developed and/or authorized for use by Executive Branch agencies, a signature made via eSign may be used in lieu of handwritten signatures.

B. Enterprise Technology Services (ETS) Responsibilities

1. ETS staff shall be available to provide training and guidance on the use of eSign.
2. ETS will monitor the effectiveness of this policy for possible improvements and modifications, and will continue to explore long-term improvements that may become available through the development of new technologies.

C. Executive Branch Agency Responsibilities

1. All agencies in the State Executive Branch shall implement the use of eSign for as many forms and documents as may be practicable.
2. Agencies shall store electronic records on agency servers only, at a minimum according to the appropriate retention period as prescribed by law and as necessary for government operations.

Agency compliance with employee requests to inspect information contained with their respective Official Personnel Folder (OPF) shall include providing the employee with the opportunity to inspect applicable electronic records that would otherwise, in the absence of the implementation of this policy, be contained within the employee's OPF in paper form.

3. Agencies shall establish and maintain sufficient controls to ensure that eSign is being appropriately used by departmental personnel, including conducting audits if deemed necessary.
4. Agencies shall have written procedures and protocols in place to ensure the validity of signatures made via eSign, and provide follow-up information to ETS as may be requested.

VI. Procedures:

- A. Where a handwritten signature is normally required on a form or document, a signature made via eSign may be used by the signer in lieu of the signer's handwritten signature.
- B. The completed form or document may be electronically distributed with the receiving agency taking action on the received electronic form or document as if the form or document had been received as a hard copy.
- C. Completed forms or documents shall be stored electronically at a minimum according to the appropriate retention period(s) as prescribed by law and as necessary for government operations.

VII. Authorities and References:

Chapter 489E-1 *et seq.*, Uniform Electronic Transactions Act, Hawaii Revised Statutes.

VIII. Attachments:

None.

Your full cooperation in complying with the provisions of this Administrative Directive is essential.

  
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David Y. Ige  
Governor, State of Hawaii

Feb 11, 2016  
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Date