STATE OF HAWAII DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT POLICIES AND PROCEDURES	POLICY NO. 104.001 DO/ISO	NO. of PAGES 5
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TITLE: ELECTRONIC SIGNATURES / ELECTRONIC RECORDS	APPROVED: James K. Nishimoto, Director	

I. POLICY

Consistent with Hawai'i Revised Statutes (HRS), Chapter 489E; to support agencies in streamlining their human resources processes; and to transition the Department of Human Resources Development's (DHRD) manually-based processes to paperless processes; the use of an electronic signature and/or document will be allowed as an acceptable alternative to an original signature for forms developed by and authorized for use by DHRD. The policy shall remain in effect for a period of 6 months from the date the policy is issued, at which time the policy will be reassessed by DHRD for continuation, modification or termination.

II. RATIONALE

Chapter 489E, 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."

Authorizing the use of electronic forms and signatures in connection with human resources processes will positively impact government agencies in a variety of ways:

- 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 §§489E-17 & E-18, agencies may specify:

(1) 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;

(2) 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;

(3) 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, DHRD, pursuant to HRS Chapter 489E, is authorizing executive agencies to use, create, generate, communicate, store and rely upon electronic records and electronic signatures in connection with human resources-related processes and forms.

III. DEFINITIONS

Pursuant to HRS §489E-2, the following definitions will 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 that have employees under the jurisdiction of the DHRD, and specifically as it relates to DHRD Policies and Procedures, rules and related forms,

documents and requests associated with personnel actions and transactions.

V. GENERAL PROVISIONS AND RESPONSIBILITIES

A. General Provisions

1. This policy applies to the utilization, completion and transmission of forms (on DHRD form templates) that have been authorized for use by DHRD.

2. On all such forms that have been developed and authorized for use by DHRD, electronic signatures may be used in lieu of handwritten signatures.

3. All electronic signatures shall be in the format provided in Section VI, below.

B. DHRD Responsibilities

1. DHRD's Information Systems Office (ISO) shall be available to provide general guidance on electronic signature usage. However, departments are encouraged to check with their departmental Information Technology (IT) personnel for technology related questions that may determine how to implement the changes within the respective departments (e.g. where to store the electronic records on departmental servers).

2. DHRD shall comply with Executive Branch Agency Responsibilities in Section V.C.

3. DHRD will monitor the effectiveness of this policy over time for possible improvements and modifications, and will continue to explore long-term improvements that may become available through the development of newer technologies.

C. Executive Branch Agency Responsibilities

1. Agency participation is mandatory. Agencies shall comply with the policy and procedures, stated herein, as they relate to the utilization of electronic records and electronic signatures involving DHRD-related forms and processes.

2. Agencies shall develop a departmental implementation plan, and if requested are to provide a copy of their plan to DHRD.

3. 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 within 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.

4. Agencies shall establish and maintain sufficient controls to ensure that the electronic signatures can be attributed to the state employee for whom the signature is used (e.g., require that the electronic record - with an electronic signature - be transmitted as an attachment to the next level of approval from the "signing" employees' email account; require the supervisor to verify the employees' request by reply email to confirm approval and/or authorization; etc.), and conduct audits, as deemed necessary, to ensure electronic forms and signatures are being appropriately used.

5. Agencies are to have written procedures and protocols in place to ensure the validity of such signatures, and provide any follow-up information as may be requested.

VI. PROCEDURES

A. Where a handwritten signature is normally required on a DHRD form, an electronic signature may be used by the signer in lieu of the signer's handwritten signature. The signer of the electronic document must input his or her name preceded by "/s/" and typed in the space where the signature otherwise would appear (e.g. "/s/ John or Jane Employee").

B. The completed form may be electronically distributed with the receiving agency taking action on the received electronic form as if the form had been received as a hard copy.

C. Completed forms shall be stored electronically by the receiving agency, *at a minimum* according to the appropriate retention period(s) as prescribed by law and as necessary for government operations.

D. For purposes of carrying out this policy, executive agencies may make minor adjustments (i.e. format and spacing, but not content) to DHRD authorized forms, where it facilitates the conversion to the use of electronic documents.

VII. AUTHORITIES AND REFERENCES

Chapter 489E-1 et seq., Uniform Electronic Transactions Act, Hawai'i Revised Statutes.

VIII. ATTACHMENTS

No Attachments.