

## **730 USE OF ELECTRONIC SIGNATURES TO CONDUCT OFFICIAL BUSINESS**

### **I. PURPOSE**

The purpose of this policy is to document the school board's desire to allow school district representatives to send and accept electronic signatures for the purpose of conducting official business to the extent permitted by law and to outline the extent to which the school district will send, accept, and rely on electronic signatures.

### **II. GENERAL STATEMENT OF POLICY**

The school board delegates to the Superintendent the authority to determine the extent to which the School District will send, accept, and otherwise create, generate, communicate, store, process, use, and rely upon electronic signatures to and from other persons. For an electronic transaction to be valid, each party must agree to conduct the transaction electronically. If a law prohibits a transaction from occurring electronically, the transaction must occur in the manner specified by law.

### **III. DEFINITIONS**

- A. "Authentication." Authentication means the process used to ascertain the identity of a person or the integrity of specific information. Authentication ensures that the user applying an electronic signature is in fact who they say they are and is authorized to sign.
- B. "Electronic signature." Electronic signature means a digital or digitized signature made by electronic sound, symbol or process that is attached to or logically associated with a record and that is executed or adopted with the intent to sign the record.
- C. "Transaction." Transaction means an action or set of actions occurring between two or more persons relating to the conduct of business, commercial, or governmental affairs.

### **IV. GENERAL STANDARDS**

- A. This policy shall only apply to transactions between the District and parties that have consented to conduct transactions by electronic means. Consent to conduct transactions by electronic means is determined from the context of the transaction and surrounding circumstances, including the parties' conduct.
- B. An electronic signature is attributable to a person if it was the act of the person. The act of the person may be shown in any manner, including a showing of the efficacy of any authentication or other security procedure the District applies to determine the person to which the electronic signature was attributable. The effect of an electronic signature shall be determined from the context and surrounding circumstances at the time of its creation, execution, or adoption, including the parties' agreement to engage in an electronic transaction, if any.
- C. Electronic signatures shall be retained with their associated records according to the school district's regular records retention schedule.

## **V. AUTHORITY AND RESPONSIBILITIES**

- A. The Superintendent is delegated authority to determine the extent to which the school district will accept and use electronic signatures to facilitate transactions involving official school district business.
- B. The Superintendent shall adopt and implement all system procedures necessary to accept and use electronic signatures to the extent determined by the Superintendent. The District's system procedures shall be developed in consultation with other appropriate District personnel and shall ensure that all legal requirements are met. Any potential operational risk associated with the use of an electronic signature must be offset by the anticipated benefit of receiving electronic signatures. Consistent with Minnesota law, these system procedures may specify:
  - 1. The manner and format in which the electronic records attached to the electronic signatures will be created, generated, sent, communicated, received, and stored and the systems established for those purposes;
  - 2. The type of electronic signature required, the manner and format in which the electronic signature must be affixed to the electronic record, including the authenticity of the signer and the identity of, or criteria that must be met by, any third party used by a person filing a document to facilitate a transaction;
  - 3. Control processes and procedures that will ensure adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records; and
  - 4. Any other required attributes for electronic records which are specified for corresponding nonelectric records or reasonably necessary under the circumstances.
- C. Nothing in this policy is intended to authorize any individual to provide an electronic signature on behalf of the school board or school district, unless he or she has been granted such authority pursuant to a delegation of authority by the school board, a specific school board policy, or a law.
- D. The District may maintain official records in an electronic format provided that the relevant record retention schedule is updated to reflect electronic record management and the electronic records are trustworthy, complete, accessible, and durable.

**Legal References:** Minn. Stat. 325L.01 et seq. (Uniform Electronic Transaction Act)  
Minn. Stat. 123B.09, Subd. 1 (School Board Powers)  
Minn. Stat. 123B.02, Subd. 1 (School District Powers)  
Minn. Stat. 15.17 (Official Records)  
SN4, LLC v. Anchor Bank, fsb, 848 N.W.2d 559, 562 (Minn. App. 2014)

**Cross References:** Owatonna Public Schools Policy 208 (Development, Adoption and Implementation of Policies)