



Electronic Record and Signature Policy

Effective September 12, 2023

1. **Purpose.**

The purpose of this Policy is to provide the extent to which the Chelan Douglas Regional Port Authority (CDRPA) will send and accept electronic records and electronic or reproduced signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic or reproduced signatures. This Policy has been established by giving due consideration to security.

This Policy is subject to the governance and limitations expressed in state and/or federal law, including, but not limited to, the Uniform Electronic Transaction Act (Ch. 1.80 RCW), and the Electronic Signatures in Global and National Commerce Act (15 USC § 7001 et seq.).

2. **History of Policy.**

This Policy is intended to supersede any previous language or policy in place related to Electronic Records and Electronic or Reproduced Signatures.

3. **Definitions.**

This Policy adopts the definitions as stated in RCW 1.80.010, as it now appears or is hereafter amended. In addition to the definitions state in RCW 1.80.010, the following terms shall mean:

- a. Authorized Signer: The Board of Directors, Chief Executive Officer, Director of Finance and Administration, Department Heads, CDRPA Attorney, or any other CDRPA employee or agent that has been granted authority by the CDRPA Board of Directors to sign the specific record on behalf of the organization.
- b. Reproduced Signature: A reproduction of a wet signature that has been saved electronically, or by engraving, imprinting or stamping.
- c. Verification Software: Software used by the CDRPA to verify adequate preservation, disposition, integrity, security, confidentiality and auditability of record or document that is used for an electronic signature or reproduced signature.
- d. Wet Signature: A signature created in person when the signer physically marks the record or document.

4. **Use of Electronic Transactions, Electronic Signatures and Reproduced Signatures.**

- a. Authorized Signers are authorized to sign records or documents using an electronic signature or a reproduced signature for CDRPA records or documents as provided by this Policy.
- b. Authorized Signers may affix an electronic or reproduced signature only to the following records or documents:
 - i. Minutes of CDRPA Board Meetings;
 - ii. Minutes of Tri-Commission Meetings;
 - iii. Resolutions Adopted by the CDRPA Board;
 - iv. Accounts Payable Records (i.e. invoices and expenditure or write-off approvals);
 - v. Contracts or Agreements that the CDRPA is a party; and
 - vi. Engineering and building plans, approvals, and permits.
- c. An Authorized Signer shall use their own electronic or reproduced signature, and does not have the authority to sign for another Authorized Signer.

5. **Validity of Signature.**

The electronic signature or reproduced signature done in accordance with all applicable laws and this Policy is deemed to be valid to the same extent as a wet signature, unless the record or document by its terms requires a wet signature.

6. **Notary.**

The use and acceptance of an electronic signature affirmed by an electronic record notary public is permitted if the notarization complies with the Revised Uniform Law on Notarial Acts (Ch. 42.45 RCW), as it now appears or is hereafter amended, and RCW 1.80.100, as it now appears or is hereafter amended.

7. **Verification.**

- a. Electronic Signatures. Electronic Signatures created or accepted by the CDRPA shall be affixed to records or documents using Verification Software, or a software program that provides substantially similar

capabilities of the Verification Software for preservation, disposition, integrity, security, confidentiality and auditability of the record or document.

b. Reproduced Signatures. Reproduced signatures created or accepted by the CDRPA must be verified by the CDRPA employee sending or receiving the record or document. The verification may include, but is not limited to:

- i. Receipt of a faxed signature from a facsimile number verified as belonging to or traceable to the party that signed and transmitted the record or document; or
- ii. Receipt of an emailed signature from an email address verified as belonging to the party that signed and transmitted the record or document.

8. **Storage and Transmission of Electronic Records.**

- a. Storage. Electronic records shall be stored in such a way as to ensure their preservation, disposition, integrity, security, confidentiality, and auditability. Information that is necessary to verify the authenticity of an electronic signature or a reproduced signature must be stored with record or document, which may include the digital certificate used by the Authorized Signer, a fax coversheet or email verifying who sent and/or received the record or document, and the electronic notary information.
- b. Transmission. Electronic records shall only be transmitted via secure methods including, but not limited to, email, facsimile, data storage device (i.e. USB flash drive), Dropbox, and cloud-based digital signature platforms.

9. **Exemptions.**

- a. This Policy does not apply to any record or document that is required by law to have a wet signature.
- b. This Policy does not affect the CDRPA's ability to conduct a transaction using a physical medium and shall not be construed as a prohibition on the use of a wet signature. The CDRPA may still require records or documents to have a wet signature on a case-by-case basis.

- c. The private key used to create an electronic signature is exempt from public inspection and copying under the Public Records Act, Ch. 42.56 RCW.

Adopted by the Chelan Douglas Regional Port Authority Board of Directors on
September 12th, 2023.