



PROCEDURE FOR CAPTURING, RECORDING AND USING ELECTRONIC SIGNATURES

Date of publication:	July 2015	Record Number:	HP15/7091	File Number:	14/269
Version:	Review July 2015V1				
Summary:	Procedures for capturing, recording and using electronic signatures.				
Applies to:	HPCA staff Members				
Author:	Corporate Governance/ Administration				
Related legislation, Awards, Policy and Agreements:	Records Management Policy Electronic Transactions Act 2000 (NSW) NSW Health Code of Conduct (PD2012_018)				
Review date:	July 2017				

INTRODUCTION

The use of electronic signatures (e-signatures) provides efficiencies in the sign off of decisions and approvals, primarily when the required signatories are not readily available. This is generally the case for Council members and hearing members, especially those who are located outside the metropolitan area. The application of e-signatures of HPCA staff also enables efficiencies in the sign-off of form letters and other documents.

Prior approval for the use of an individual's electronic signature must be obtained and may be either approval for a specific or one-off purpose or general approval to apply to a class of documents or type of information.

These procedures have been developed to satisfy the requirements of the *Electronic Transactions Act 2000 (NSW)* and to facilitate the approval and sign off of decisions and other Council related business.

BACKGROUND

The use of e-signatures is becoming common practice as we transition to a paperless organisation. Under the Act the basic elements an electronic signature method must satisfy are:

- (a) a method is used to identify the person and to indicate the person's intention in respect of the information communicated, and
- (b) the method used was either:
 - (i) as reliable as appropriate for the purpose for which the electronic communication was generated or communicated, in the light of all the circumstances, including any relevant agreement, or
 - (ii) proven in fact to have fulfilled the functions described in paragraph (a), by itself or together with further evidence, and
- (c) the person to whom the signature is required to be given consents to that requirement being met by way of the use of the method mentioned in paragraph (a).

The Act provides that any information that is to be given in writing can be given by electronic means. For the purposes of the HPCA and Councils the giving of information includes (but is not limited to) giving, sending or serving a notification; lodging a return; making a request; making a declaration; lodging or issuing a certificate; making, varying or cancelling an election; or giving a statement of reasons.

KEY DEFINITIONS

Electronic signature (e-signature) is a scanned or copied image of a person's signature.

Members includes any member of a health professional Council, a Council committee or an associated regulatory body and is inclusive of all membership categories and positions held. It also includes Section 150 Inquiry delegates, hearing members, interviewers, panellists, assessors, experts and other ad hoc participants in Council activities.

Gatekeeper means the staff member with access to the e-signature in TRIM and the authority to apply the e-signature once its use is approved by the signatory. Gatekeepers are usually a Council executive officer, an executive assistant or other authorised staff members such as Corporate Governance staff.

POLICY STATEMENT

The use of e-signatures supports efficient business processes, particularly where signatories are remote and not readily accessible in the workplace. Documented consent and authorisation of the purpose and use of e-signatures must be obtained prior to the e-signature being used. .

The signatory's authorisation must be retained on TRIM (Pitt Street file 14/269 & Gladesville file FF11/020-09) and access to the e-signature limited by security settings to the gatekeeper. Each e-signature must be assigned a gatekeeper.

Purpose and use of electronic signatures

E-signatures can be requested or provided for a specific purpose i.e. for one-off use to sign off specific decisions while a member is overseas, or for general ongoing use e.g. covering letter for a survey.

Authorisation

The signatory must provide clear written permission for the use of their e-signature, for either a specific or generic purpose, and identify any limitations on its use (for example, for particular decisions or consult papers).

The purpose and use of the signature must be confirmed at the time of collection and the signatory's consent recorded. Consent may be in the form of a completed *Authorisation for Use of Electronic Signature* form, an email or another form of documentary record.

Further consent must be sought if the e-signature is to be used for another purpose to that for which authorisation has been given.

Members' e-signatures

Staff may request members' e-signatures either for a specific document or process; or with agreement of the member for use for agreed generic purposes. The purpose for which the e-signature is collected must be clearly documented and the member's agreement for its use recorded in TRIM with the e-signature. (This includes when an e-signature is recorded in TRIM and consent is required for each use.)

Sign off of annual financial statements

One specific purpose for which e-signatures are used is for sign-off of the Council's annual financial statements. The *Annual Reports (Statutory Bodies) Act 1984* requires two members to sign the *Statement by Members of the Council*. There is a very short turnaround for the signatures to be obtained following completion of the audit and submission of the annual report to the Minister.

In June each year Councils are requested to approve the collection of e-signatures from up to three members specifically for the purpose of approval and sign-off of the financial statements. The Executive Officer collects the nominees' e-signatures for the current annual report and provides them to the Manager, Corporate Governance. The Manager, Corporate Governance is responsible for the retention, security and use of these e-signatures and for seeking the individual signatory's approval to apply the e-signature to the financial statements once the audit has been completed.

Staff e-signatures

The e-signatures of staff may be used for designated purposes such as form letters. The same procedures must be used for the capture, storage and security of staff e-signatures.

PROCEDURES

Capturing and storing an electronic signature

The *Authorisation for use of Electronic Signature* form (attached) should be sent to the member/staff when requesting provision of an electronic signature. The request should make clear the purpose for which the signature is being sought, the gatekeeper and the titles of staff who will have access to the e-signature.

Members may provide their e-signature by email and should also make clear when the signature may be used and any limitations on its use, as outlined on the form. (Once saved the email must be deleted from Outlook.)

1. All Completed authority forms and emails with e-signatures and authority of use must be saved in the TRIM file folder.
 - At Pitt St in 14/269 as a HP Document (HP Prefix)
 - At Gladesville in FF11/020-09 as a Document
2. The document title should be:
Authorisation - from <LAST NAME, First Name of Member> – to <Council name> - e-signature – approval for <one-off or recurring use> - SIGNED - date signed
3. Open the document and snip the signature from the penned signature box. Save the snipped signature in JPEG format and capture it as a Child Document to the Authorisation document in TRIM.
4. The document title should be:
Record - <Council name> - e-signature of <LAST NAME, First Name> - Date signature provided

Once the completed Authorisation Form hardcopy has been saved in TRIM it must be discarded in the appropriate secure destruction bin.

Using an electronic signature

When required to **use** an e-signature:

1. Confirm if the e-signature is on file and that the specific purpose of use has been approved by the signatory.
2. If pre-approval for the specific instance of use has not been obtained, contact the officer/Member by email with a copy of the document requiring the e-signature, or an explanation of the purpose to which the signature will be put if the document is not available.
3. On receipt of consent (via email or a signed Authorisation form) the staff member requesting the e-signature must contact the designated Gatekeeper with a copy of the consent and link to the document which requires the signature. The consent to apply the signature in the particular instance is to be captured as a child document of the original Authorisation.
4. The Gatekeeper will apply the e-signature, print the document, and return to staff member in PDF format.

Destroying electronic signatures

The gatekeeper of electronic signatures is responsible for securely destroying e-signatures when:

- A member's term expires
- A member resigns from the Council, Committee or Panel
- A member retracts their approval.

UNCLASSIFIED

An email is to be sent to the author of the e-signature informing them that their signature has been removed from the recordkeeping system (indicate date and time) and that it is no longer available for use.

Security and access

Section 4.5.3 of the NSW Health Code of Conduct, outlines the requirements for maintaining the security of confidential and/or sensitive information, including that stored on communication devices.

An electronic TRIM file (Pitt St: 14/269; Gladesville: FF11/020-09) has been created for the storage of the e-signatures, and a 'Gatekeeper Strategy' has been adopted for their security and accountability.

ATTACHMENTS

Authorisation for Use of Electronic Signature



Health Professional Councils Authority

Authorisation for use of Electronic Signature

I approve the use of my electronic signature by the Health Professional Councils Authority (HPCA) for the following business purpose and conditions

Approval granted for:

- One off use
- Recurring use

Purpose of use:

Limitations of use:

I understand the HPCA will hold my electronic signature securely and that access is available only to authorised officers, as required by the NSW Health Code of Conduct, section 4.5.3.

I may retract approval at any time in writing. I understand that the HPCA will destroy my e-signature on my term expiry or resignation.

Please sign inside box with a black pen:

.....
Name <print>

Date:

Please return this form to the relevant Council Executive Officer