

CITY COUNCIL STUDY SESSION

Study Session to consider a draft Resolution authorizing the use of digital and electronic signatures in the City of Bellevue.

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DIRECTION NEEDED FROM COUNCIL

DIRECTION

Should staff bring forward, at a subsequent City Council meeting, a Resolution authorizing the use of digital and electronic signatures in the City of Bellevue?

RECOMMENDATION

Direct staff to bring forward, at a subsequent City Council meeting, a Resolution authorizing the use of digital and electronic signatures in the City of Bellevue.

BACKGROUND & ANALYSIS

In 1997, the State of Washington enacted the Electronic Authentication Act, Chapter 19.34 RCW (the Act). The Act provides that electronic signatures may be used for "official public business to provide reasonable assurance of the integrity, authenticity, and nonrepudiation of an electronic communication." In addition to the Act, a separate Washington State law, Chapter 19.360 RCW, authorizes state agencies like the City of Bellevue to utilize electronic signatures in the conduct of governmental affairs and other transactions. RCW 19.360.020(5) requires that the method, process, and use of electronic signatures by a local government must be established by ordinance, resolution, policy, or rule.

Digital and electronic signatures are a convenient, time-saving, and secure way of signing electronic documents. Use of digital and electronic signatures for official City business will provide for efficient City operations, leverage the City's investments in digital technology, and create an accessible, accurate, integrated, and complete record of City business. Within the Development Services Department, authorized use of digital and electronic signatures will support the goal of 100 percent paperless permitting and enable beginning-to-end electronic application processing, review, code enforcement, and inspection. Citizens and customers will benefit from shortened permit process times and predictability, along with increased accessibility to permit documents for all users.

A digital signature is one type of electronic signature that automatically provides reasonable assurances of the integrity and authenticity of the "signed" document through the following protections:

- Verification that the signer is who they represent themselves to be;
- Confirmation that the signature was applied to the document and not copied from another document; and
- Certification the document was not altered after it was signed.

In contrast to a digital signature, Washington law does not require any specific method of signer identification or authentication for an electronic signature. However, various identification and authentication processes are available for any given electronic transaction that would support the reliability and enforceability of an electronic signature. For example, implementation of an electronic signing process—e.g., utilizing a password, PIN, or a statement of intent that must be acknowledged or accepted (“I accept” or “I agree”) prior to execution—provides assurances of integrity, authenticity, and nonrepudiation that would otherwise be absent with an electronic signature. These processes create a virtual record of the signer’s actions and intent in order to avoid later dispute regarding the validity of the electronic signature.

Generally, the risk of repudiation of an electronic signature is lower based on the status of the signer. An electronic signature that is utilized in an intra-City transaction would have a much lower risk of repudiation than an electronic signature utilized in a transaction between the City and a private entity or consumer. The nature of the underlying relationship in the transaction is always a material consideration when evaluating the required identification and authentication process.

The purpose of the draft Resolution is to authorize the use of digital and electronic signatures in the City consistent with State law. The draft Resolution provides the method and process that must be employed for a City of Bellevue employee to sign City documents digitally if such an option is available. The draft Resolution also provides that the City Manager, or their designee, may approve use of an electronic signature for official public business if the process employed for the electronic signature ensures the security, authentication, record integrity, and non-repudiation of the electronic communication.

Because electronic signatures do not automatically contain the same protections as valid digital signatures, each Department should first identify potential candidates for electronically signed transactions and then determine whether, and in what circumstances, the Department would use or accept electronic signatures. If electronic signatures are appropriate for specific documents and transactions, then the Department should partner with the Information Technology Department and City Attorney’s Office to identify the processes and methods to employ for the document and transaction under consideration. Thus, the draft Resolution would authorize the use of digital and electronic signatures to conduct City business, but individual Departments within the City are responsible for determining how and when digital and electronic signatures will be used for a particular document or transaction.

POLICY & FISCAL IMPACTS

The use of digital and electronic signatures, where appropriate and permitted by law, will lessen administrative demands, improve efficiency, and provide for predictable processes throughout the City. Examples of improved efficiency and potential benefits include:

- Digital and electronic signatures facilitate a more streamlined process and reduce the need to print, sign and then scan documents.
- Electronic permit records are readily accessible whereas paper files require a records request with the City Clerk’s office and typically take longer to process.

- Increased access to public information for all citizens, including efficient and effective ADA compliance through the use of optical character recognition.
- Provides for real-time monitoring, tracking and auditing.
- Reduced storage costs.
- Environmental benefits.

OPTIONS

1. Direct staff to bring forward, at a subsequent City Council meeting, a Resolution authorizing the use of digital and electronic signatures in the City of Bellevue.
2. Provide alternative direction regarding the use of digital and electronic signatures in the City of Bellevue.

ATTACHMENTS & AVAILABLE DOCUMENTS

- A. Draft Resolution

AVAILABLE IN COUNCIL LIBRARY

N/A