**BUSINESS & COMMERCE CODE**

**Chapter 43: Uniform Electronic Transactions Act (U.E.T.A.)**

**Electronic Signatures and Transaction Records**

These sections, as defined, establish compliance with the minimum requirements for maintenance, use, and retention of any record signed electronically and/or stored electronically as subject to the applicable provisions of the Business & Commerce Code chapter 43.

The Uniform Electronic Transactions Act (UETA) was enacted into law in Texas by the 77th Legislature (Senate Bill 393) in May 2001, and became effective on January 1, 2002.  UETA provides definitions for several key terms that pertain to this Guide.  Some of those definitions are set out below. *(this is not meant to be a complete representation of the BCC, ch. 43)*

(RE: website; <http://law.justia.com/texas/codes/2005/bc/004.00.000043.00.html>)

Any electronic record created shall meet the minimum requirements for the management of electronic signatures and transaction records in 13 Texas Administrative Code, Sections 6.91-6.96 in addition to City of Houston Administrative Procedures (A.P. No: 8-6) Subject: Electronic Signatures.

***In a proceeding, evidence of a record or signature may not be excluded solely because it is in electronic form.***

A department seeking to implement an electronic signature system must first receive certification approval from the Administration & Regulatory Affairs Department (ARA), Records Management Division, followed by authorization through the IT Governance Board.

***Part 1: Electronic Transactions and Signed Records***

***1.2 Electronic Signatures***

1. ***"Electronic signature,"*** as defined in UETA, 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.

Texas law also provides a definition for the term digital signature, which is sometimes used interchangeably with electronic signature.*Section 2054.060, Government Code, includes the following:*

***"Digital signature"*** means an electronic identifier intended by the person using it to have the same force and effect as the use of a manual signature.

***For all intents and purposes, within this document reference will only be made to “electronic” signatures and procedures.***

Electronic signatures may be accomplished by several different technologies, such as Personal Identification Number (PIN), digital signatures, smart cards, biometrics, etc.

1. What technology, process, sound or symbol is attached to or associated with the electronic signature information processing system that identifies the signatory party?

Click here to enter text.

1. Security procedure means a procedure employed for the purpose of verifying that an electronic signature, record, or performance is that of a specific person, or for detecting changes or errors in the information in an electronic record.
2. What security procedures have been employed to verify authenticity of an electronic signature?

Click here to enter text.

1. Does the procedure include the use of algorithms, identifying words or numbers, encryptions, callbacks or other codes? Define

Click here to enter text.

1. Does the procedure include other acknowledgment processes? Define.

Click here to enter text.

1. If a change or error in an electronic record occurs in a transmission between parties to a transaction:

(1) What process is used in determining the source of a change or error?

Click here to enter text.

1. By what process are all parties to a transaction notified if an error or change in the information is detected?

Click here to enter text.

1. How will notifications to destroy “consideration” *(if any)* monetary or other, be transmitted to appropriate department as a result of an erroneous electronic record?

Click here to enter text.

1. If a law requires a signature or record to be notarized, acknowledged, verified, or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform these acts, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature or record.
2. Give details of how this process is handled by this processing system.

Click here to enter text.

1. Electronic Signature Retention: If the electronic signature process involves the creation of new records in addition to the electronic record that has been signed, the new records must also be retained as a part of the City’s records retention program.
2. Give details of how this retention requirement will be handled.

Click here to enter text.

1. If a law requires that an electronic record, or a record containing an electronic signature, be retained, the requirement is satisfied by retaining an electronic record of the information in the record which accurately reflects the information set forth in the record after it was first generated in its final form as an electronic record or otherwise and remains accessible for later reference. Define the following:
2. Process for secure retention of original records as required.

Click here to enter text.

1. The security process that ensures originality.

Click here to enter text.

1. The final disposition process (destruction/purging or permanent retention).

Click here to enter text.

1. A person has control of a transferrable record if a system employed for evidencing the transfer of interest in the transferable record reliably establishes that person as the person to which the transferable record was issued or transferred.
2. Document the evidencing of transfer of interest in the transferrable records.

Click here to enter text.

1. Define the repository for an original authoritative transferrable record which is unique, identifiable, and unalterable, and maintained by the person asserting control or its designated custodian.

Click here to enter text.

1. Does the processing system require consent of the person asserting control or the record custodian prior to revisions of the authoritative record? Define this process:

Click here to enter text.

1. Will the processing system identify whether the revisions to the authoritative record are authorized or unauthorized? Define this process:

Click here to enter text.

1. How does the processing system treat the status of an original authorized, fully executed and sealed record when a “certified copy” of same is required? Define this process:

Click here to enter text.

1. How does the processing system control processes & procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality, and audit ability?

Click here to enter text.

1. The Department of Information Resources may encourage and promote consistency and interoperability with similar requirements adopted by other governmental agencies of this and other states and the federal government and nongovernmental persons interacting with governmental agencies of this state. If appropriate, those standards may specify differing levels of standards from which governmental agencies of this state may choose in implementing the most appropriate standard for a particular application.
2. What measures or guidelines are available in the processing system to ensure consistency and interoperability, should it become a requirement?

Click here to enter text.

1. Both the record and the signature must be capable of long term preservation in a format that will be supported for a duration consistent with A.P. 8-5
2. How will the record and the signature be preserved in a supported format?

Click here to enter text.

1. Reliable records are records whose content can be trusted as a full and accurate representation of the transactions, activities, or facts to which they attest and can be depended upon in the course of subsequent transactions or activities.
2. What processes are in place to attest to the dependability and reliability of content?

Click here to enter text.

1. The cost and use of the electronic signature method must comport with the degree of transactional and systemic risk.
2. Define the evaluation methods used when determining capital and operational costs to implement and maintain this signature method.

Click here to enter text.

1. Define the final disposition process:
2. Destruction/purging

Click here to enter text.

1. Permanent archive

Click here to enter text.

1. What migration process will be considered for permanent records that are aging

Click here to enter text.