



TITLE

ELECTRONIC SIGNATURES

SCOPE

Provincial

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APPROVAL AUTHORITY

Connect Care Executive Committee

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Health Information Management

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Not applicable

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Records Management Policy (#1133)

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NOTE: The first appearance of terms in bold in the body of this document (except titles) are defined terms – please refer to the Definitions section.

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OBJECTIVES

- To set out the requirements for the appropriate adoption and use of, and reliance upon **electronic signature (e-signature)** functionality in Alberta Health Services (AHS) settings as an alternative to **wet signatures** so that the **record** can be evidenced to be reliable where e-signatures are used.

PRINCIPLES

AHS permits the use of e-signatures as an alternative to wet signatures in accordance with the minimum requirements set out in this Policy and applicable legislation and regulations. E-signatures shall not be used where a wet signature is required by legislation, regulation, or professional standards. Specific exceptions where a wet signature is required are listed in the *Schedule of Documents Requiring Retention of Original Source Documents and/or Wet Signatures*.

Prior to adopting e-signature functionality, the AHS program area requesting to adopt e-signature functionality shall, in consultation with Information Technology and Legal & Privacy, conduct and document the AHS *Electronic Signature Review Process* with the results of the review provided to the **appropriate AHS committee** for approval.

The adoption of e-signature functionality by AHS programs is not mandatory. When dealing with third parties, AHS should obtain consent from the other party to use e-signatures. It is recommended that the consent be a written authorization and in the case of contracts, the consent should be included as a clause in the contract.

APPLICABILITY

Compliance with this document is required by all Alberta Health Services employees, members of the medical and midwifery staffs, students, volunteers, and other persons acting on behalf of Alberta Health Services (including contracted service providers as necessary).

ELEMENTS

1. Initial Considerations

- 1.1 An e-signature can take a variety of forms, including, for example:
 - a) a typed name or signature block;
 - b) electronic image of a handwritten signature;
 - c) electronic drawing of the signature created using a stylus or finger on a touchscreen; and
 - d) clicking an electronic confirmation or acknowledgement.
- 1.2 An e-signature is considered to be functionally equivalent to a wet signature if the e-signature can reliably:
 - a) identify the person signing; and
 - b) link the person, through the e-signature, to the document to show the person's acceptance of and intention to be bound by its contents.
- 1.3 There is no specific e-signature software or method that must be used by the AHS program area, provided the e-signature functionality of the software or method meets the requirements of this Policy, any applicable statutory requirements, and the operational needs of AHS.

2. Preparation

- 2.1 AHS programs adopting e-signature functionality shall, in consultation with Information Technology and Legal & Privacy:
 - a) complete the AHS *Electronic Signature Review Process* to identify and evaluate the factors identified below which impact the decision to proceed with an e-signature. These factors include, but are not limited to, the following:
 - (i) purpose and type of transaction;
 - (ii) applicability and permissibility of e-signatures within existing legislation, regulations, professional standards, and other relevant AHS policy documents;

- (iii) identifying relationships between parties to the electronic transaction;
 - (iv) scope of e-signature usage;
 - (v) whether the transaction has legal significance (e.g., transferring funds, forming a contract or other obligation, or fulfilling a legal responsibility);
 - (vi) risk of intrusion (i.e., the risk of an unauthorized person using another person's e-signature);
 - (vii) risk of repudiation of an e-signature (i.e., the risk of an e-signature being questioned as legitimate);
 - (viii) risk of forgery or fraud;
 - (ix) functionality and convenience;
 - (x) record retention in the same format as it was created, sent, or received, and whether it accurately represents the information contained in the record;
 - (xi) business necessity; and
 - (xii) the cost and benefit of implementing a particular e-signature process;
- b) determine that the e-signature functionality meets the requirements outlined in this Policy and the AHS *Electronic Signature Review Process*;
 - c) obtain final approval from the appropriate AHS committee to implement the use of e-signatures; and
 - d) verify that all electronically signed records going to third parties meet the requirements of the third party and any other receiving organization.

3. Processing

- 3.1 All e-signature functionality adopted by AHS program areas shall, at a minimum:
- a) obtain the **signatory's** consent to the use of e-signatures;
 - b) provide an opportunity for the signatory to review the entire record or content prior to applying an e-signature;
 - c) require that the signatory is informed that an e-signature is being applied to a record before the e-signature is applied;

- d) allow the signatory's intent to sign the record to be expressed as part of the record or in a certification statement submitted with and linked to the signed record;
- e) ensure that any changes to the record are tracked and auditable (as necessary), and, once all required e-signatures are collected and applied, the record is stored in a secure manner that prevents any further changes to maintain the integrity of the record;
- f) have an AHS program-specific opportunity for the signatory to opt out of electronically signing and provide the signatory with the option to sign a hard copy version of the record, where appropriate; and
- g) ensure the program area otherwise complies with the AHS *Delegation of Approval Authority* Policy when identifying the signatories to a record.

4. Signature Retention

- 4.1 The date, time, and fact that the signatory indicated their intent to sign the record shall be recorded and retained for evidentiary purposes in accordance with the AHS *Records Management* Policy, associated policies and procedures, the AHS *Records Retention Schedule*, and statutory requirements. The date and time may be different than the date and time that the signatory accessed the application or the record was authenticated.
- 4.2 All electronically signed records shall be created, retained, and destroyed in accordance with the AHS *Records Management* Policy, associated policies and procedures, the AHS *Records Retention Schedule*, and statutory requirements as applicable.
- 4.3 The e-signature metadata required to be retained, if any, such as the signature itself, the signatory's name, date signed, date sent and received, origin and destination, etc., shall be in accordance with the applicable standards within the AHS *Records Management* Policy, associated policies and procedures, the AHS *Records Retention Schedule*, and statutory requirements as applicable.

5. Implementation – Security and Risk

- 5.1 AHS program areas, in consultation with Information Technology and Legal & Privacy, shall ensure an appropriate level of security required to link the signed record with the signatory to address, at a minimum, the confidentiality, authenticity, integrity, security, and accessibility of the record. The appropriate level of security is determined through the AHS *Electronic Signature Review Process*.

DEFINITIONS

Appropriate AHS committee means an AHS governance or operational committee with the authority to approve AHS program or Information Technology expenses to cover the costs of the requested e-signature functionality.

Electronic record means information that is recorded or stored on any medium in or by a computer system or other similar device, and can be read or perceived by a person or a computer system or other similar device, and includes a display, printout, or other output of that information.

Electronic signature or **e-signature** means electronic information that a person creates or adopts in order to sign a record and that is in, attached to, or associated with the record.

Record means documents, data, or information of any kind, in any medium (e.g., paper, digital, and audio-visual media), and in any format (e.g., documents, spreadsheets, databases, emails, blogs, wikis, and website pages) created, received, recorded, and maintained by AHS as part of its services or business. This definition includes health records, but does not include computer software or any mechanisms that produce records.

Signatory means an individual who signs a record.

Wet signature means a handwritten or manual signature.

REFERENCES

- Alberta Health Services Governance Documents:
 - *Delegation of Approval Authority Policy* (#1168)
 - *Electronic Records Conversion and Migration Recordkeeping Procedure* (#1133-05)
 - *Legal Hold Procedure* (#1133-04)
 - *Monitoring and Auditing of Information Technology Resources Policy* (#1144)
 - *Records Destruction Procedure* (#1133-02)
 - *Records Management Policy* (#1133)
 - *Records Retention Schedule* (#1133-01)
 - *Scanning and Digitization Policy* (#1191)
 - *Transitory Records Procedure* (#1133-03)
- Alberta Health Services Resources
 - *Electronic Signature Review Process*
 - *Schedule of Documents Requiring Retention of Original Source Documents and/or Wet Signatures*
- Non-Alberta Health Services Resources:
 - *Electronic Transactions Act* (Alberta)

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