
SECTION 16

PLANNING AND MANAGEMENT OF INFORMATION TECHNOLOGY

16.03 DIGITAL SIGNATURES AND ELECTRONIC APPROVALS

AUTHORITY: *FINANCIAL ADMINISTRATION ACT*

ADMINISTRATION: TREASURY BOARD SECRETARIAT
IT SHARED SERVICES

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16.03 DIGITAL SIGNATURES AND ELECTRONIC APPROVALS

(1) PURPOSE

The purpose of this section of the Policy Manual is to provide direction on the use of Digital Signatures within Government.

(2) APPLICATION

The application of this policy is referenced to the schedules of the *Financial Administration Act* (FAA) and applies as follows:

- Schedule “A” - Departments except the Legislative Assembly
- Schedule “B” - Crown Corporations
- Schedule “C” - Education Authorities
- Schedule “D” - Commissions

except to the extent that their enabling legislation may incorporate alternate requirements such as Ministerial or Board Authority. In the event that a policy developed by Ministerial or Board Authorities differs from Treasury Board policy and that entity is accessing Government IT services, Treasury Board Policy will prevail.

While this policy **does not apply** to the Legislative Assembly or to Reporting Entities subject to alternate legislation, the **spirit and intent** of the policy should serve as a **guideline** for these entities in developing their own policies. Reporting Entities that develop policies differing from Treasury Board policy require approval of Treasury Board.

(3) DEFINITIONS

“*Digital Signatures*” are considered to be a type of secure electronic signature that provides advanced features such as additional guarantees of authenticity, non-repudiation or protection against documents being altered.

“*Signing Scenario*” is a term used to describe a process where some form of acknowledgement is provided to indicate agreement, acceptance with, or approval of, a transaction or document. For example, writing a signature on a professional services contract is a Signing Scenario as well as signing your name at the bottom of an email. Both are Signing Scenarios but with very different requirements for the level of assurance or authority required.

“*Electronic Signing and Approvals*” are a type of electronic signature that provide a level of assurance through process or password access that a document has been approved by the individual signing or approving a document. An electronic approval method could meet the need for internal approval without the expense and added features of a Digital Signature.

(4) POLICY

It is Government policy that:

- (a) Digital Signatures may be created, assigned to and used by Ministers, Deputy Heads, or appointed delegates with authority to sign on behalf of Government for applicable Signing Scenarios, providing that a Department does not have legislation or policy that would prohibit the use of a Digital Signature.
- (b) Digital Signatures may only be used by those who meet legislation and signing authorization policies, and where applicable the financial thresholds, as identified in Section 6.06 - Delegation of Signing Authority of the Treasury Board Policy and Procedures Manual.
- (c) Each entity is responsible to ensure approval of the Deputy Head or Minister to use the IT Shared Services (ITSS) approved Digital Signature solution and to support the costs related to licensing and maintaining the ability to verify the validity of the electronic signing for the life cycle of the record.
- (d) Each entity is responsible to ensure the digitally signed document(s), including signature summary with digital security intact, is maintained under the applicable records retention schedule.
- (e) Each entity is responsible to ensure that digitally signed documents that have historical significance are accessible and preserved under the guidance of the Public Archives and Records Office of PEI.
- (f) Electronic signing and approvals may be appropriate for scenarios that do not require the advanced features of a Digital Signature. For example, the review and signing of internal government documents that have historically relied on pen-and-ink signatures as a method to capture approval. The implementation and use of electronic signing and approval methods need to be in accordance and compliance with ITSS pre-approved enterprise standard solutions.
- (g) Electronic signing and approvals may only be used by those who meet departmental signing authorization policies, and where applicable the financial thresholds, as identified in Section 6.06 - Delegation of Signing Authority of the Treasury Board Policy and Procedures Manual.
- (h) Delegation of signing authority does not constitute applying a Digital Signature, Electronic Signature or Electronic Approval on behalf of an authorized signee. The delegated individual must use their own assigned Digital Signature, Electronic Signature or Electronic Approval. Digital Signatures, Electronic Signatures or Electronic Approval must remain under the sole control of the owner and follow delegation requirements as identified in Section 6.06 - Delegation of Signing Authority of the Treasury Board Policy and Procedures Manual.

- (i) Digital or Electronic Signatures may not be used to execute a document that represents the signing was witnessed by another party, or, where there is a legislative or regulatory requirement that the document be witnessed by another party.

(5) PROCEDURE

- (a) Identify the business need and verify that a Digital Signature or Electronic Signature or Approval is appropriate for the scenario; not all Signing Scenarios require the additional assurance level provided by a Digital Signature. Guidance is provided by ITSS to ensure appropriate standards are met.
- (b) Consult with legal counsel, risk management, records management, finance and security, and privacy services to ensure there are no barriers, including legislative, to any process using of a Digital Signature or Electronic Signature or Electronic Approval for the Signing Scenario.
- (c) Contact ITSS for the creation of a signature using the approved Digital Signature, Electronic Signature or Approval Solution if the Deputy Head, Minister or Delegate has not been already assigned access to an ITSS approved solution.

Digital Signatures may be applicable in, but are not limited to, the following Signing Scenarios:

- a Minister, Deputy Head or their designated signatory in signing an agreement or contract on behalf of Government;
- final versions of Treasury Board or Executive Council Memos and Cabinet Committee on Policies and Priorities submissions that require a Minister and/or Deputy Head's signature; and
- a document whereby a digital signature is required by established legislation as a means of verification of authenticity and authorization **and only a signature with advanced features meets the requirements.**

Electronic Signatures and Approvals may be applicable in, but are not limited to, the following scenarios:

- government forms, invoices or documentation requiring supervisor approval;
- staffing requisitions; and
- document or communication approvals.

(6) RESPONSIBILITIES

Departments/Agencies

- (a) ensure any legal and policy requirements are addressed by consulting with legal counsel, risk management, records management, security and privacy services as it relates to signatures;
- (b) Use the approved Digital Signature solution for appropriate Signing Scenarios and follow any defined processes or instruction relevant to the creation, use, or revocation of the Digital Signature; and

- (c) cover any costs related to creating, accessing and maintaining the ability to verify the validity of the electronic signing for the life cycle of the record.

Department of Finance, IT Shared Services

- (a) consult and assist departments/agencies with the creation and use of Digital Signatures; and
- (b) approve, support and maintain enterprise standards for digital signature, electronic signing, and approvals in accordance with Sections 16.01 and 16.03 of the Treasury Board Policy and Procedures Manual.

(7) INTERPRETATION

In cases where an interpretation is required, such should be referred to the Secretary to Treasury Board, or their delegated officer, who will make the interpretation or refer the matter to Treasury Board, if a Treasury Board decision is deemed necessary.