

## ELECTRONIC/DIGITAL RECORDS & SIGNATURES

### A. Statement of Policy.

Electronic or digital signatures can take many forms and can be created using many different types of technology. The authenticity and reliability of electronic signatures relating to transactions are dependent on the accompanying processes, supplemental records and the overall context in which records are created, transferred, and signed. The School Board adopts the following policy with respect to the use of electronic records and signatures in connection with its communications with parents, guardians, or other persons having control over a child enrolled in the District.

### B. Definitions.

**“Attribution” or “Attributable to”** – An electronic record or electronic signature is attributable to a person if it was the act of the person. The act of the person may be shown in any manner, including a showing of the efficacy of any security procedure applied to determine the person to which the electronic record or electronic signature was attributable. The effect of an electronic record or electronic signature attributed to a person under paragraph I is determined from the context and surrounding circumstances at the time of its creation, execution, or adoption, including the parties' agreement, if any, and otherwise as provided by law.

**“Digital”** – As used in the title or otherwise in this policy is intended to have the same meaning as or as a sub-category of “Electronic”.

**"Electronic record"**– Means a record created, generated, sent, communicated, received, or stored by electronic means.

**"Electronic signature"**– 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.

**"Record"**– Means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

### C. Applicability.

This policy applies to parents, guardians, and other persons having control or charge of a child enrolled or formerly enrolled in the District, eligible students as used in the Family Educational Rights and Privacy Act; and also to individuals affiliated with the District, whether employees or not, paid or unpaid, including but not limited to teachers, administrators, staff, students, affiliates, and volunteers.

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### **D. Acceptance, Use and Issuance of Electronic Records and Signatures.**

1. The District may receive and accept as original, electronic records and signatures so long as the communication, on its face, appears to be authentic and is not otherwise precluded by law.
2. The District, through the Superintendent, shall maintain an electronic recordkeeping system that can receive, store, and reproduce electronic records and signatures relating to communications and transactions in their original form. Such system should include security procedures whereby the District can:
  - a) assure signature intent,
  - b) verify the attribution of a signature to a specific individual,
  - c) allow for reliable access and use to those who would have access to the record if in hard copy form for the period required under the District's Data/Records Retention Policy (EHB) and Schedule (EHB-R),
  - d) detect changes or errors in the information contained in a record submitted electronically,
  - e) protect and prevent access, alteration, manipulation or use by an unauthorized person, and
  - f) provide for nonrepudiation through strong and substantial evidence that will make it difficult for the signer to claim that the electronic representation is not valid.
3. To the extent practicable, the Superintendent will implement and maintain a system to require a secure hard copy log of the PIN/password **or** actual signature of any individual authorized to provide an electronic signature on behalf of the District, or on behalf of the School Board specifically.
4. The Superintendent shall ensure that all electronic records and signatures are capable of being accurately reproduced for later reference and are retained until such time as all legally mandated retention requirements are satisfied.
5. Any electronic records or electronic signatures technology shall comply with the District's Data Governance and Security Plan.

### **E. Electronic Records.**

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Electronic records created or received by the District shall be appropriately attributed to the individual(s) responsible for their creation and/or authorization or approval. The District shall utilize available technology to implement reliable methods for generating and managing electronic records. Any electronic record filed with or issued by the District may be given full force and effect of a paper communication if the following conditions are satisfied:

1. The communication is an electronic filing or recording and the District, through the School Board Chair, or the Superintendent or his/her delegate, agrees to accept or send such communication electronically; and
2. If a signature is required on the record or communication by any statute, rule or other applicable law or School Board policy, the electronic signature must conform to the requirements set forth in this policy governing the use of electronic signature, and any other standards required by applicable law or regulation.

### **F. Electronic Signatures.**

An electronic signature may be used whenever a signature is required, unless there is a specific statute, regulation, or policy that requires records to be signed in non- electronic form. The issuance and/or acceptance of an electronic signature by the District may be permitted in accordance with the provisions of this policy and all applicable state and federal law. If permitted, such electronic signature shall have the full force and effect of a manual signature only if the electronic signature satisfies all of the following requirements:

1. The electronic signature identifies the individual signing the document by his/her name and title;
2. The electronic signature is unique to the signer;
3. The District and the other party have agreed to the use of electronic signatures (need not be a formal agreement);
4. The identity of the individual signing with an electronic signature is capable of being validated through the use of an audit trail;
5. The electronic signature and the document to which it is affixed cannot be altered once the electronic signature has been affixed;
6. The electronic signature conforms to all other provisions of this policy and applicable law;

### **G. Procedures and Practices.**

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The Superintendent may adopt procedures and/or practices to implement this policy, including for such things as format requirements, regulations with respect to use of email signatures, saving and retention of electronic records, or records transmitted via email.

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**District Policy History:**

*First reading: February 2021*

*Second reading/adopted: February/March 2021*

***District revision history:***

**Legal References:**

*20 U.S.C. 1232g, Family Educational Rights and Privacy Act (FERPA)*

*RSA Chapter 294-E, Uniform Electronic Transactions Act*

*“Electronic Signatures Analysis and Implementation Guide”, N.H. Dept. of Information, N.H. Dept. of Administrative Services Technology, N.H. Secretary of State, October 12, 2012*

***Legal References Disclaimer:*** *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

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