

**CORPORATION OF THE CITY OF NEW WESTMINSTER
BYLAW NO. 8322, 2022**

A Bylaw to Amend “Corporate Records Management Program Bylaw 7987, 2018”

The Council of The Corporation of the City of New Westminster in open meeting assembled ENACTS AS FOLLOWS:

Citation

1. This Bylaw may be cited for all purposes as “Corporate Records Management Program Bylaw Amendment Bylaw No. 8322, 2022.”

Amendments

2. “Corporate Records Management Program Bylaw 7987, 2018” is amended by:

- a. Inserting the following as a new Section 8

8. Electronic Signature Policy

(a) A Council member, employee of the City of New Westminster, or Volunteer who chairs a committee, that is authorized (by legislation, bylaw, or policy) to sign or otherwise execute a document on behalf of the City may execute such document by Electronic Signature, subject to the conditions and restrictions set out in the Electronic Signature Policy. See Schedule 2, attached to and forming part of this bylaw.

- b. Adding Schedule “2” – Electronic Signature Policy

GIVEN FIRST READING THIS 7th day of March 2022.

GIVEN SECOND READING THIS 7th day of March 2022.

GIVEN THIRD READING THIS 7th day of March 2022.

ADOPTED THIS _____ day of _____ 2022.

Mayor Jonathan X. Cote

Jacque Killawee, City Clerk

Schedule 2

Electronic Signature Policy

Policy Title:	ELECTRONIC SIGNATURES
Issue Date:	February 28, 2022
Revised Date:	
Prepared by:	Legislative Services
Document #:	1734185

Overview

A signature represents an individual’s personal approval in a document or transaction and provides evidence of that person’s identity, intent to approve, or to be legally bound by the contents of the document. The purpose of a signature is the same whether it is paper-based or electronic.

Within the City of New Westminster, the requirement for a signature can be a customary practice, can be imposed by policy, or can be required under law. As more work is being done electronically, the ability to sign and receive signed documents electronically while meeting all requirements will streamline and expedite workflow processes and improve customer service in the City of New Westminster.

1. Purpose

- 1.1 The purpose of this Policy is to provide guidance on when Electronic Signatures are considered official and acceptable by the City of New Westminster.
- 1.2 This Policy does not address confidentiality requirements.

2. Scope

- 2.1 This policy identifies types of documents for which Electronic Signatures will be acceptable and the manner in which the Electronic Signature must be provided.
- 2.2 This Policy applies to all departments, Council Members, employees of the City of New Westminster, and Volunteers who chair committees. This policy does not apply to the New Westminster Public Library or the New Westminster Police Department.
- 2.3 All Electronic Submissions received are subject to the *Freedom of Information and Protection of Privacy Act* and *Electronic Transactions Act*, where applicable.

3. Definitions

- 3.1 **City** means the City of New Westminster.
- 3.2 **CAO** means the Chief Administrative Officer.
- 3.3 **Third Party** means any company or individual that the City interacts with, such as residents, vendors, suppliers, distributors, agents, contractors and customers.
- 3.4 **Wet Signature** means a physically generated signature or distinct mark on a hard copy of a document using a pen or seal.
- 3.5 **Electronic Signature** means information in electronic form that a person has created or adopted in order to sign a record and that is in, attached to or associated with the record.

Electronic Signatures include but are not limited to:

- (a) a scanned image of a handwritten signature applied or pasted to an electronic document;
- (b) user authentication by clicking an electronic confirmation or acknowledgement on a website to capture user's intent (for example, clicking "agree" or "disagree");
- (c) user authentication through personalized login and access code to an internal application to approve something, including but not limited to an email from user's email account;
- (d) a sound such as a recorded voice command (for example, a verbal confirmation in response to a question);
- (e) a handwritten but digitally captured signature created using a stylus or finger on a touchscreen; and
- (f) a Digital Signature.

- 3.6 **Digital Signature** means an Electronic Signature that is based on asymmetric cryptography. This form of Electronic Signature provides validity and integrity, as the technology allows for tracking and verification of the document through time. It is the most secure method and should be used where liability is a concern.
- 3.7 **Electronic Submission** means a document submitted electronically, including, but not limited to email, web form, facsimile or external device (for example, hard drive, usb flash drive).

4. Electronic Signature Usage

- 4.1 This Policy does not compel or require the City to use Electronic Signatures wherever permitted.
- 4.2 The City cannot require that any Third Party signing a document use Electronic Signatures if a Third Party is reluctant or unable to sign a document electronically.
- 4.3 Before an Electronic Signature is used, it must be determined whether an Electronic Signature can be used and, if so, the manner in which the Electronic Signature must be provided.
- 4.4 Electronic Signatures are not legally binding in all circumstances. Wills, trusts created by wills, powers of attorney, documents that create or transfer interests in land, and other records prescribed in the regulations cannot be signed electronically. These documents must be signed with Wet Signatures.
- 4.5 All documents and supporting documents that are registered at the Land Title office require a Wet Signature. This includes but is not limited to the Form A, Form C, Form C Release, Form D, Strata Property Act Filing (e.g. Form E), Terms of Instrument, Declaration, Form 17 Fee Simple, Form 17 Charge, Notation or Filing, Form 17 Cancellation of Charge, Notation or Filing, and Application to Deposit Plan (DSPL) form documents.
- 4.6 When a document requires the signature of a witness, the witness must be physically present and must Wet sign the document.
- 4.7 Certification as a true copy of an original document cannot be done electronically. A Wet Signature should be applied on an exact copy of the paper document.
- 4.8 Council Members and the City's employees may apply Electronic Signatures into routine correspondence, documents, internal memos, or reports.

Appendix A outlines the types of documents where an Electronic Signature can be used and where a Digital Signature or Wet Signature is required.

- 4.9 Council Members and the City's employees shall use a Digital Signature if authorized by their designated role in the City or by Delegation Bylaw No. 7176, 2015, and Procurement Bylaw 6942 as amended. Council Members and the City's employees who do not have signing authority shall not be given licenses to Digital Signature software.
- 4.10 Any new process that requires a signature needs to conform to this Policy.
- 4.11 Council Members and the City's employees must only use the Electronic Signature systems approved by the City.

4.12 Electronic Signatures on Incoming Documents

Electronic Signatures are acceptable on Electronic Submissions received by the City including Digital Signatures, stamps, or professional seals where required by a certifying authority (see Appendix A).

Where a professional body has codified a certifying authority of Electronic Signatures the City will only accept that authority's signature. For example an engineer may not submit a document signed only with an image of the engineer's signature it must be signed with the appropriate Digital Signature.

The City shall accept only a Digital Signature certified by the professional body of the professional who submits the professionally sealed document. For example, engineering documents submitted by professional engineers must be signed using Notarius.

- 4.13 Where a user's Digital Signature does not appear valid, the City will not accept the document as the source cannot be verified.

5. Oversight

- 5.1 The City solicitor and Legislative Services Division of the Office of the CAO have the authority and discretion to make decisions regarding the acceptance of all Electronic Signatures.

- 5.2 The City shall use the Electronic Signature systems authorized by the Information Technology Services Department. A Privacy Impact Assessment must be completed to ensure the software is compliant with the *Freedom of Information and Protection of Privacy Act*.
- 5.3 The City shall maintain a Digital Signature system for authorized employees, City staff who are Commissioners for taking oaths, and the City solicitor.

6. Responsibilities

- 6.1 Overall management of this Policy is the responsibility of the Legislative Services Division of the Office of the CAO.
- 6.2 The Legislative Services Division of the Office of the CAO shall review this Policy periodically and amend or update the Policy to ensure that it is current and relevant.
- 6.3 Information Technology Services Department shall manage the applicable software.

7. User Responsibilities

- 7.1 No individual, through the transmission of an Electronic Submission bearing an Electronic Signature shall represent themselves in a way that is false or misleading.
- 7.2 For an individual to apply another user's Electronic Signature to a document, written authorization must be given from the person whose signature is being used to the individual who is applying the signature to the document.
- 7.3 Digital Signatures cannot be given to or applied by another user. Only the authorized signing authority can sign a document using their Digital Signature.
- 7.4 Any individual found to be in breach of this Policy shall be subject to discipline up to and including termination from employment, cancellation of contract, legal action, and/or restitution.
- 7.5 Digital Signatures are to be stored in a secured location that is only accessible to the authorized user and Information Technology Services Department.

8. Related Policies and Legislation

8.1 This policy is applied in conjunction with other City Policies and Bylaws which include but are not limited to:

- (a) Corporate Records Management Program Bylaw No. 7987, 2018;
- (b) Email/Internet Policy; and
- (c) Standards of Conduct Policy.

8.2 This policy is governed by the following Provincial legislation which includes but is not limited to:

- (a) *Freedom of Information and Protection of Privacy Act*; and
- (b) *Electronic Transactions Act*; and
- (c) *Land Title Act*; and
- (d) *Local Government Act*

Appendix A

Types of documents

This Policy does not compel the use of Electronic Signatures. Departments wishing to make work processes fully electronic may do so by consulting this Appendix to identify whether Electronic Signatures can be used and what type of Electronic Signature is required, the determination of which is based on legal requirements and liability.

Wet Signature

The following documents cannot be electronically signed.

Document Type	Use of Electronic Signature	Required Mode
<p>All documents that are registered at the Land Titles Office.</p> <p>This includes but is not limited to the Form A, Form C, Form C Release, Form D, Strata Property Act Filing (e.g. Form E), Terms of Instrument, Declaration, Form 17 Fee Simple, Form 17 Charge, Notation or Filing, Form 17 Cancellation of Charge, Notation or Filing, and Application to Deposit Plan (DSPL) form and documents attached to the forms.</p> <p>Examples: Covenants, Development Agreements, Easements, Encroachments, Housing Agreements, Leases, Rights-of-way, Subdivisions, Transfers of Land, etc.</p> <p>Note: Development Permits and Development Variance Permits are not land title documents created under the <i>Land Title Act</i> and instead are permits created under the <i>Local Government Act</i>. There is no legal requirement for them to be Wet signed.</p>	No	Wet Signature

Documents requiring the signature of a witness (the witness must be physically present)	No	Wet Signature
Certification as a true copy of an original document	No	Wet Signature

Digital Signature

The following documents can be signed using a Wet Signature or require a Digital Signature, stamp, or secure professional seal.

Document Type	Use of Electronic Signature	Required Mode
Agreements – if the documents are not registered at the Land Titles Office, they may be electronically signed i.e. Works and Services, Government Protocols, Cost Sharing, Traffic , Railway, Union Agreements, MOUs and other Agreements between agencies, etc.	Yes	Wet or Digital Signature
BridgeNet Service Order	Yes	Wet or Digital Signature
Consent release and waiver forms	Yes	Wet or Digital Signature
Contracts - i.e. construction contracts, consulting services, contracts for services, contracts for goods, etc.	Yes	Wet or Digital Signature

<p>Plans, reports and schedules signed and sealed by Registered Professionals including but not limited to:</p> <ul style="list-style-type: none"> ○ Architect ○ Landscape Architect ○ Civil Engineer ○ Mechanical Engineer ○ Electrical Engineer ○ Plumbing Engineer ○ Structural Engineer ○ Geotechnical Engineer ○ Code Engineer ○ Fire Protection Engineer ○ Licensed Surveyor <p>Note: As of August 2021, Notarius is the required tool for EGBC professional seal.</p>	Yes	Wet or Digital Signature / Stamp / Secure professional seal with Notarius
<p>Procurement process – Invitations to Tender require a Wet or Digital Signature</p> <p>Note: EOI, RFPs, RFQs, etc. can be completed with any Electronic Signature.</p>	Yes	Wet or Digital Signature

Electronic Signature

The following documents can be signed with a Wet Signature, Digital Signature, or can be completed with a scanned signature, approved via email, system verification or other form of Electronic Signature.

Document Type	Use of Electronic Signature	Required Mode
<p>Building Applications – i.e., Building, Demo, Plumbing, Heating, Services, Sprinkler Permit Applications, etc.</p> <p>Note: Building Division signs/stamps application documents throughout the process. Professionals must use Digital Signature /</p>	Yes	Wet or any Electronic Signature

stamp for signed/sealed drawings and schedules but not regular correspondence.		
Business Licence Applications / Business Licences	Yes	Wet or any Electronic Signature
Certificate of Insurance	Yes	Wet or any Electronic Signature
Change of Contractor forms	Yes	Wet or any Electronic Signature
Cheque Requisitions	Yes	Wet or any Electronic Signature
City Bylaws and Council Minutes, including Zoning Bylaws, Heritage Revitalization Agreement and Designation Bylaws	Yes	Wet or any Electronic Signature
Development Applications – i.e. OCP or Zoning Amendment Applications; Development, Development Variance, Temporary Use, Tree, Sign Permit Applications; Board of Variance Applications, etc.	Yes	Wet or any Electronic Signature
Development Application Drawings	Yes	Wet or any Electronic Signature
Document Request Forms	Yes	Wet or any Electronic Signature
Erosion & Sediment Control Submission Form (ESC)	Yes	Wet or any Electronic Signature
Facility Rental	Yes	Wet or any Electronic Signature
Fire Investigation Report Completion Form	Yes	Wet or any Electronic Signature
Grants	Yes	Wet or any Electronic Signature

HR documents – i.e. performance reviews, PAF’s, offers of employment, disciplinary or other performance management or attendance management letters	Yes	Wet or any Electronic Signature
Invoices	Yes	Wet or any Electronic Signature
Letter of Authorization (LOA) – Building and Planning Divisions	Yes	Wet or any Electronic Signature
Letters / Correspondence of various types – i.e. Comfort Letter, Notice of Violation, referral letters, letters to other municipalities, Freedom of Information correspondence, etc.	Yes	Wet or any Electronic Signature
Internal Memos	Yes	Wet or any Electronic Signature
Mileage Forms	Yes	Wet or any Electronic Signature
Operational Guidelines (Fire)	Yes	Wet or any Electronic Signature
Other staff administrative documents	Yes	Wet or any Electronic Signature
Payroll forms – i.e. timesheets, vacation requests, overtime, gratuity leave, family responsibility leave, etc.	Yes	Wet or any Electronic Signature
Permits – i.e., Building, Tree , Development, Development Variance, Temporary Use, Demo, Sign, Plumbing, etc.	Yes	Wet or any Electronic Signature
Procurement Process – EOI, RFP, RFQ, etc. Note: Invitations to Tender require Wet or Digital Signature	Yes	Wet or any Electronic Signature
Purchase card approvals	Yes	Wet or any Electronic Signature
Purchasing Forms	Yes	Wet or any Electronic Signature
Recycling Forms 1, 2 & 3 (Waste Disposal & Recycling Service Plan, Hazardous Materials report & Compliance Report)	Yes	Wet or any Electronic Signature

Reports / Memos to committee	Yes	Wet or any Electronic Signature
Reports / Memos to Council	Yes	Wet or any Electronic Signature
Tax Receipts	Yes	Wet or any Electronic Signature