

POLICY

Electronic Signatures



Issued with the authority of the Chief Commissioner
and Chief Executive Officer of Scouts Australia NSW

Chief Commissioner signature		Chief Executive Officer signature	
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3 Use of an electronic signature

3.1 Signature required by Scouts Australia NSW policy

- 3.1.1. Where a Scouts Australia NSW policy requires that a record have the signature of a responsible person, that requirement is met when the electronic record has associated with it an electronic signature using an approved electronic signature method.
- 3.1.2. Where a Scouts Australia NSW policy requires a written document, that requirement is met when an electronic record has associated with it an electronic signature using an approved electronic signature method.

3.2 Signature required by law

- 3.2.1. Where there is a legal requirement, beyond Scouts Australia NSW policy, that a record have the signature of a responsible person, that signature requirement is met when the electronic record has associated with it an electronic signature using an approved electronic signature method which complies with Australian law.
- 3.2.2. Where a legal requirement, beyond Scouts Australia NSW policy, requires a written document, that requirement is met when an electronic record has associated with it an electronic signature using an approved electronic signature method, which complies with the Privacy Act 1998, or the Australian Privacy Principles.

3.3 The signing of a record using an approved electronic signature method does not mean that the record has been signed by a person authorized to sign or approve that record. Appropriate Procedures must be used to confirm that the person signing the record has the appropriate authority.

3.4 This policy applies only to transactions between parties each of which has agreed to conduct transactions by electronic means.

3.5 If parties have agreed to conduct a transaction by electronic means and a law requires a person to provide, send, or deliver information in writing to another person, the requirement is satisfied if the information is provided, sent, or delivered, as the case may be, in an electronic record capable of retention by the recipient at the time of receipt. An electronic record is not capable of retention by the recipient if the sender or its information processing system inhibits the ability of the recipient to print or store the electronic record



- 4.4.6. Identify any other required attributes for electronic records that are specified for corresponding non-electronic records or that are reasonably necessary under the circumstances.

Sanctions

- 4.5 Any individual or party that makes inappropriate or illegal use of electronic signatures and/or records is subject to sanctions up to and including dismissal, suspension, and criminal prosecution, whether or not they are referenced in this policy.



Electronic Signatures - Brief

1 Background

- 1.1 One of the goals of the Strategic Plan 2016-2018 is to lower administrative workloads and processes through the smart use of technology.
- 1.2 The Electronic Signatures Policy (POL28) was developed in preparation of Scouts NSW moving to a digital and paperless environment.
- 1.3 The Electronic Signatures Policy applies to all members of the Scouts Australia NSW community, and governs all uses of electronic signatures and electronic records used to conduct the official business of Scouts Australia NSW. Such business shall include, but not be limited to electronic communications, transactions, contracts, activity approvals, grant applications and other official purposes.
- 1.4 The Policy itself does not state which forms, processes or procedures can adopt electronic signatures, rather it aims to create a framework to guide the future approval for adopting electronic signatures on a case-by-case basis.

2 What is a legal electronic signature?

- 2.1 Electronic signatures are recognised under Australian law as having the same effect as handwritten signatures subject to the following qualifications:
 - 2.1.1. The person to whom the signature is to be given (i.e. Scouts NSW) consents to an electronic signature being used to execute the electronic communication;
 - 2.1.2. There is a method in place to identify the person and to indicate their intention in respect of the information communicated (e.g. their intention that their personal information be used by Scouts NSW to register their membership);
 - 2.1.3. the method used to identify the person signing the document must either be:
 - As reliable as is appropriate for the purpose of the electronic document, in light of all the circumstances; or
 - Proven in fact to have identified the person signing the document electronically and indicate their intention in respect of the information communicated, either by itself or together with further evidence.
- 2.2. The method used to identify the person signing the document depends on the purpose of the particular document. For instance, a document containing a person's banking information to execute a purchase of goods or services may require more