

## STANDARD ADMINISTRATIVE PROCEDURE

### 29.01.03.M1.35 Information Resources – Electronic and Digital Signatures

*Approved September 4, 2015*

*Next scheduled review September 4, 2020*

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#### Statement and Reason

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An electronic signature is 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 ([Texas Business and Commerce Code 322.002](#)). Use of electronic signatures for official university documents is authorized by [Texas Government Code Chapter 2054.60 Information Resources](#). The manner and circumstances in which electronic signatures are acceptable is enumerated in [Texas Business and Commerce Code Chapter 322](#). When conflicts arise, [Texas Education Code 51.9336 Electronic and Digital Signatures](#) shall prevail.

This Standard Administrative Procedure (SAP) distinguishes between an electronic signature to assert the identity of an individual(s) party to a legal instrument (e.g., contract) and a digitally signed certificate utilized to assure the authenticity of the sender and the integrity of electronic communications such as email messages.

This SAP is applicable to all employees and university business units who desire to use electronic signatures to conduct university business. Such business may include, but not be limited to electronic communications, transactions, contracts, grant applications and other official purposes.

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#### Definitions

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Digital signature - an electronic identifier intended by the person using it to have the same force and effect as the use of a manual signature ([Texas Government Code 2054.60](#)). Digital signatures verify the trustworthiness of information (e.g. sender and content integrity).

Digital certificate - a certificate, as defined in [Texas Administrative Code, Chapter 203, Subchapter A, §203.1](#), issued by a business unit for purposes of electronic commerce.

Electronic signature - 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 ([Texas Business and Commerce Code 322.002](#)).

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## Official Procedure

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### 1. ELECTRONIC SIGNATURE FOR LEGAL TRANSACTIONS

- 1.1. Electronic signatures may be used when all parties agree to their use.
- 1.2. Electronic signatures are legally binding and the equivalent of a manual signature.
  - 1.2.1. Texas A&M employees and business units who desire to use electronic signature technology may contact the Texas A&M University IT Chief Information Security Officer ([ciso@tamu.edu](mailto:ciso@tamu.edu)).
    - 1.2.1.1. Guidelines for using appropriate technology for electronic signatures are enumerated by State guidelines (see Related Statutes below).
  - 1.2.2. Electronic signature use must be approved by the Texas A&M IT Chief Information Security Officer ([ciso@tamu.edu](mailto:ciso@tamu.edu)).
- 1.3. Individuals are accountable for their signatures (manual or electronic). Any fraudulent use, real or suspected, must be reported immediately to the Texas A&M IT Chief Information Security Officer ([ciso@tamu.edu](mailto:ciso@tamu.edu)).
- 1.4. Falsification or inappropriate use of electronic signatures may result in disciplinary action taken by Texas A&M University as well as any applicable punishments provided under Texas Penal Code.

### 2. DIGITALLY-SIGNED ELECTRONIC COMMUNICATION

- 2.1. Faculty, staff, and students who have a need to send verifiable email messages can do so by utilizing a digital certificate.
  - 2.1.1. Digital certificates for verifiable electronic communications (such as email messages) do not rise to the same level of integrity that is required for a legal transaction. Use instructions in section 1 above when legal transactions are required.
- 2.2. A digital certificate for email messages can be requested from the [Texas A&M IT Help Desk website](#).

### 3. FEDERAL AND STATE LAWS

- 3.1. The procedures described in this SAP do not supersede situations where federal or state laws specifically require a manual signature.

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**Related Statutes**

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[1 Texas Administrative Code §203 Management of Electronic Transactions and Signed Records](#)

[Texas Business and Commerce Code 322.002](#)

[Texas Government Code 2054.60](#)

[Texas Education Code 51.9336 Electronic and Digital Signatures](#)

[System Regulation 29.01.03 \*Electronic Information Services Access and Security\*](#)

[University SAP 29.01.03.M0.01 \*Security of Electronic Information Resources\*](#)

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**Contact Office**

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