



Book	Policy Manual
Section	Vol. 34 No. 1 for Board Approval
Title	Revised Policy - Vol. 34, No. 1 - November 2021 - AUTHORIZATION TO ACCEPT AND DISTRIBUTE ELECTRONIC RECORDS AND TO USE ELECTRONIC SIGNATURE
Code	po6105
Status	
Adopted	January 14, 2010
Last Revised	October 8, 2020

6105 - **AUTHORIZATION TO ACCEPT AND DISTRIBUTE ELECTRONIC RECORDS AND TO USE ELECTRONIC SIGNATURE**

Unless a provision of law specifically prohibits the use of an electronic record for the specified purpose, the Board of Managers authorizes the acceptance and distribution/transmission of electronic records to and from Cooperative staff and other persons, as well as between Cooperative staff members. The Board authorizes the Treasurer, ~~(-) Board President, (-) Board Secretary, (-) Director of Special Education, (-) _____~~ **[other employees of the Cooperative who are permitted or required in the performance of their duties to affix their signature on any check, draft, warrant, voucher or other instrument for the payment of money]** to prepare and utilize an electronic signature, in lieu of their manual signature, and to affix such electronic signature to any of the following instruments: checks; drafts; warrants; vouchers; or other instruments for the payment of money and necessary or desirable in connection with the withdrawal of Cooperative funds for and on its behalf. The individuals specified above may affix their manual or electronic signature to the instruments identified so long as they continue to act as such officers/employees. The use of electronic signatures is expressly approved by the Board. Said checks, drafts, warrants, vouchers, or other instruments for the payment of money may be drawn or relate to the accounts of the Cooperative with the various financial institutions (depositories/banks) with which the Cooperative conducts business.

The Director shall put in place measures to protect the integrity, security, and accessibility of electronic signatures and electronic records to comply with the mandates of State and Federal agencies or programs, including Medicaid.

All Cooperative staff shall comply with all provisions of the Uniform Electronic Transaction Act when creating, generating, sending, communicating, receiving, storing, processing, using, and relying upon electronic records. Further, all Cooperative staff and other persons who use electronic signatures when completing transactions with the Cooperative shall do so in compliance with State law.

~~[] Signatures by hand (i.e., manual) are required for any transactions in the amount of, or in excess of, \$ _____ [e.g. \$500,000].~~
~~[] Multiple signatures are required for any transactions in the amount of, or in excess of, \$ _____, or as may be required by other Board policies.~~

The Board directs that the financial institutions (depositories/banks), with which the Cooperative does business, are authorized and requested to accept, honor, cash, pay or transfer, without limit as to the amount or without further inquiry, checks bearing the authorized signature(s) as provided by the immediately preceding paragraph whether tendered in payment of an individual obligation or deposited in the account of the Cooperative. The Treasurer is directed to provide written notice of the adoption of any electronic signature to the depository from which funds are to be withdrawn, which notice shall include a description of the device to be used, a specimen of such electronic signature, and a copy of this policy. Prior to use of the electronic signature, the written approval of such depository must be obtained.

With regard to the acceptance and distribution/transmission of electronic records and electronic signatures, the Director may specify the following:

- A. The manner and format in which the electronic records must be created, generated, sent, communicated, received, and stored and the systems established for those purposes.
- B. If electronic records must be signed by electronic means, the type of electronic signature that is required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met, by any third party used by a person filing a document to facilitate the process.
- C. Control processes and procedures as appropriate to provide for adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records.
- D. Any other required attributes for electronic records that are specified for nonelectronic records or reasonably necessary under the circumstances.

Electronic signature is defined to include, but is not limited to, the reproduction of any authorized signature by a copper plate or by a photographic, photostatic, or mechanical device. Electronic signature does not authorize the use of a rubber stamp signature for any of the instruments detailed above.

[**x**] In order to protect the Board and its employees from loss, damage or expense occasioned by the unauthorized use of an electronic signature, the Board directs the Treasurer to procure for the Cooperative and for the individuals identified above a surety bond in such amount as approved by its legal advisor.

The actual electronic signature should be maintained under the care, custody and control of (**x**) the Treasurer's Department- () _____ [some other identified location] and, as further precaution, all checks must be entered into the check register so that all numbers can be accounted for.

I.C. 5-1-14-18

I.C. 26-2-8 Uniform Electronic Transactions Act
15 U.S.C. 7001 et seq.

SBOA Memorandum re Electronic Signature (April 14, 2020)

© Neola ~~2020~~ **2021**

Legal

I.C. 5-1-14-18

I.C. 26-2-8 Uniform Electronic Transactions Act

15 U.S.C. 7001 et seq.

SBOA Memorandum re Electronic Signature (April 14, 2020)