

ITS' ELECTRONIC SIGNATURES AND RECORDS ACT (ESRA) GUIDELINES

<https://its.ny.gov/document/revised-electronic-signatures-and-records-act-esra-guidelines>

EXECUTIVE SUMMARY

This **best practice guideline**:

- explains the definition of an e-signature under ESRA;
- assists in the selection of e-signature solutions that meet business and legal needs;
- provides general direction on ensuring the authenticity, integrity, security and accessibility of e-records, including those that are electronically signed.

The guidelines are organized into two major sections entitled:

- ***E-signature Guidelines:***
 - an overview of the business and legal functions of a signature;
 - how to determine if an e-signature solution is needed or desirable;
 - what is an “e-signature” under ESRA;
 - description of e-signature approaches;
 - how to select an appropriate e-signature approach through a business analysis/risk assessment process;
 - how to deal with records involving multiple e-signatures;
 - security of systems and information used to create e-signatures, and
 - “**electronic facilitator**” services that CIO/OFT provides to governmental entities, including:
 - consultations on how to complete and document the selection of appropriate e-signature solutions through the business analysis/risk assessment process;
 - consultations on specific e-signature technologies, and
 - informal advice and guidance on e-signature laws, regulation, standards and practices.
- ***E-records Guidelines:***
 - what is an “e-record” under ESRA;
 - how to produce and capture e-records that meet legal, business and security requirements;
 - how to authenticate the identity of persons involved in an e-record transaction;
 - how to maintain authentic, reliable and accessible e-records over time;
 - approaches for maintaining the authenticity and integrity of electronically signed e-records, and
 - how to maintain secure, reliable and trustworthy e-record systems.

For additional assistance concerning ESRA-related topics, please contact:

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