

E-Sign Legality

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E-Signature Laws

TempWorks HRCenter's technology has been designed to address key requirements of:

- The Electronic Signatures in Global and National Commerce (E-SIGN) Act , Pub. L. No. 106-229, 114 Stat. 464 (2000) (15 U.S.C. §§7001-7031);
- The Uniform Electronic Transactions Act (UETA), as approved by the National Conference of Commissioners on Uniform State Laws in 1999 (7A Pt. 1 U.L.A. 211, 211-99 (2002)); and
- Many state laws modeled after UETA.

These e-signature laws are intended to encourage the rapid adoption of electronic signatures and decrease the use of antiquated paper methods. Under E-SIGN,, a contract "may not be denied legal effect, validity, or enforceability solely because an electronic signature or electronic record was used in its formation." 15 U.S.C.A. § 7001(a)(2).

Similarly, under Section 7(d) of UETA, if a law requires a signature, an electronic signature satisfies the law. Furthermore, E-SIGN provides that any state's law is preempted if and to the extent that it does not comply with UETA or its substantial equivalent. 15 U.S.C.A. § 7002.

While these e-signature laws reinforce the validity of many types of electronic agreements, the laws do not cover certain types of documents, such as statutes, regulations, or other rules of laws governing wills, codicils, testamentary trusts, adoption, divorce, or other matters of family law, certain commercial transactions, certain court documents, and certain notices, generally do not affect substantive requirements of otherwise applicable substantive law, and contain requirements for creating enforceable agreements.

Intent to Sign

- One of the primary criteria for a valid e-signature is whether the e-signature evidences a clear intent by the signatory to sign. TempWorks HRCenter's capture of initials or name and click-to-sign buttons provides evidence of the signer's intent to execute the document.

Signature Associated with Document

- Under E-SIGN and UETA, a compliant e-signature must be an electronic sound, symbol, or process, attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record. 15 U.S.C.A. § 7006(5); UETA §2(8). TempWorks HRCenter locks down the executed document with the signature record and produces a Signature Certificate that includes a summary signature graphic and an auditable activity log.

Consumer Disclosures

- E-SIGN allows electronic documents and records with electronic signatures to comply with statutes, regulations, or other rules of law that require that information relating to a transaction or transactions in or affecting interstate or foreign commerce be provided or made available to a consumer in writing if the

consumer has provided affirmative consent to such use and has not withdrawn the consent, and the consumer, prior to consenting, receives a clear and conspicuous statement of certain information and provides certain consents. 15 U.S.C.A. § 7001(c).

Tamper-Proof Record

- After signing, TempWorks HRCenter secures your executed document with a complex hash algorithm to ensure the permanent record is tamper-proof.

Document Access and Storage

- Section 7001(d) of E-SIGN and Section 12(a), (b), (d) and (e) of UETA contain requirements for record-keeping. Contracts executed with electronic signatures are delivered in Portable Document Format (PDF) to signatories so that they can retain them for the periods prescribed by any applicable statutes of limitations. TempWorks HRCenter stores your documents in a secure archive for the duration of the time you maintain a paid account, utilizing the world-class data infrastructure of Microsoft Azure Services for security and redundancy.

Audit Log

- Section 13 of UETA states that evidence of a record or signature may not be excluded from being admissible evidence solely because it is in electronic form. Every document sent through TempWorks HRCenter includes a detailed audit log, complete with time stamps, identity authentication, and other critical information. TempWorks HRCenter can provide a legal foundation to introduce the documents as evidence and have courts enforce them.

Authentication

- TempWorks HRCenter employs a proprietary, multivariate identity authentication system. Components include email address validation, IP address capture, and the collection of other identifiers unique to each signing party.

Technology Neutrality

- TempWorks HRCenter is platform-agnostic. Parties sign on any computer, using any web browser, with no downloads and no plug-ins. This technological neutrality gives all recipients an equal opportunity to execute documents without impediment.

Disclaimer

- This overview of certain e-signature laws is not a comprehensive overview of the requirements of e-signature laws in the United States or other countries, is for educational and informational purposes only, and is not intended, and should not be construed, as legal advice.

Note For further reading, check out the following links:

- ESIGN Act Overview: <https://www.govinfo.gov/content/pkg/PLAW-106publ229/pdf/PLAW-106publ229.pdf>
- UETA: <https://www.uniformlaws.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=2c38eebd-69af-aafe-ddc3-b3d292bf805a&forceDialog=0>

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