

Date: 2020-11-03

Subject: **Execution of Documents by Electronic Signature By-law**

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Report Number: Legislative Services-2020-208

Recommendations:

1. That the report titled: **Execution of Documents by Electronic Signature By-law**, to the Committee of Council meeting of November 18, 2020, be received; and
2. That the Execution of Documents by Electronic Signature By-law as set forth in Appendix A attached to this report, be approved.

Overview:

- The City of Brampton executes approximately 6,000 external-facing documents that require signatures on a yearly basis.
- The manual process to obtain signatures from all parties (internal and external signing officers) can be time-consuming and cumbersome at times.
- Due to the COVID-19 pandemic, many City staff and businesses are working remotely. There is an urgent need for digitally secure solutions to execute legally binding documents for maintaining timely and continuous operations.
- In working towards the implementation of electronic signatures, staff has drafted the Execution of Documents by Electronic Signature By-law to allow for the execution with noted exceptions.

Background:

The City of Brampton executes approximately 6,000 external-facing documents that require signatures on a yearly basis. The types of document include, but not limited to, contract, agreement, deed, lease, purchase order, memorandum, letter of intent, application, permit, notice, release, waiver, submission or acknowledgement.

The manual process to obtain traditional (wet) signatures from all parties (internal and external signing officers) can be time-consuming and cumbersome at times. The turnaround time depends on the accessibility of the hard-copy documents and the availability of the signing officers.

Section 15 of the *Electronic Commerce Act, 2000, S.O. 2000, c. 17* provides that if a public body has power to create, collect, receive, store, transfer, distribute, publish or otherwise deal with information and documents, it has the ability to do so electronically, including the signing of documents by electronic methods.

Current Situation:

As one of the health and safety measures imposed due to the COVID-19 pandemic, many City staff and businesses are working remotely. There is an urgent need for a digitally secure solution to execute legally binding documents for maintaining timely and continuous operations.

Currently, internal documents can be signed electronically using existing digital technologies.

Led by Digital Innovation and Information Technology (DI&IT), a cross-departmental working group was formed in May 2020. The goals of the working group are to:

- Understand the need for signatures on external-facing official documents across the organization
- Develop a by-law to regulate the execution of documents by electronic signature
- Procure and implement a scalable electronic signature solution that meets the needs of the organization

The working group conducted a survey with Corporate Leadership Team and people leaders across the organization to understand their needs for signatures on external-facing documents. The survey responses identified document categories, values associated with the documents and volume (number of documents requiring signatures per month).

Based on the needs of the organization, Legal Services drafted the Execution of Documents by Electronic Signature By-law to allow for the execution with noted exceptions.

Under this proposed By-law, unless prohibited by other Provincial and Federal legislation and as outlined in Standard Operating Procedures, all documents with a total value not to exceed \$1M will be allowed for the City's receipt and sending of electronic signatures.

Next Steps

Staff have drafted a Request for Proposal (RFP) to obtain an electronic signature solution that will meet the needs of the organization. Upon Council approval of this By-law, staff will work with Purchasing to source an electronic signature solution for a three (3) year period with the option to extend for 2 (two) additional 1 (one) year periods through a public procurement process. Standard Operating Procedures will be created by staff to govern documents executed by electronic signature, as may be considered appropriate from time to time, including in relation to:

- a. information technology standards applicable to electronic signatures;
- b. reliability requirements applicable to electronic signatures;
- c. integrity of the document; or
- d. acknowledgement of receipt of the document by the City.

Corporate Implications:

Purchasing Comments

A public Procurement Process will be conducted and the Bid submissions shall be evaluated in accordance with the published evaluation process within the bid document. Purchase approval shall be obtained in accordance with the Purchasing By-law.

All communication with Bidders involved in the procurement must occur formally, through the contact person identified in the Bid Document.

Financial Implications:

There are no current financial implications to the recommendations in this Report. Staff will report back to Council in the future regarding cost of the electronic signature solution and related financial implications.

Term of Council Priorities:

This report fulfills the Council Priority of a Well-run City by achieving efficiencies by replacing paper-based processes with electronic practices that are more modern, faster and easier to use.

Conclusion:

It is recommended that Council approve the Execution of Documents by Electronic Signature By-law.

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