
ELECTRONIC SIGNATURES

I. POLICY

This policy establishes the Department of Energy and Natural Resources (DENR) approach for adopting electronic signature (e-signatures) technology and the best practices to ensure e-signatures are applied to official DENR documents are legally valid and enforceable.

II. PURPOSE

The purpose of this policy is to allow the Louisiana Department of Energy and Natural Resources (DENR) to use electronic signatures (e-signatures) to authenticate a document with a uniquely identifiable electronic signature instead of a traditional ink signature. The use of e-signatures by DENR is authorized and regulated by La. R.S. 9:2601 et seq.; La. R.S. 39:1556(53); LAC 4: I.701 et seq.; LAC 34: V.307; and LAC 34: V.2509(G).

III. APPLICABILITY

This policy is applicable to transactions between third-parties and DENR, and for DENR internal transactions, where each has agreed to conduct transactions by electronic means.

IV. SCOPE

Electronic signature, or e-signature, means an electronic 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. An e-signature is valid wherever a traditional ink signature by the same signer would be valid, except in those cases where another authority governs another aspect of the transaction, and such authority does not accept electronic signatures.

An electronic signature may be accepted whenever an ink signature/approval is required, except where laws specifically require a hand written signature. This policy does not limit the right or option to conduct the transaction on paper or in non-electronic form or the right to have documents provided or made available on paper at no charge to the parties to the transaction.

The preferred form of electronic signature will be a signature applied through the electronic signature service contractor, a third-party service with which DENR has a contract to protect e-signature use and security. The e-signature must be protected by reasonable security measures as applicable to established terms and conditions within the agreement between the electronic signature service contractor and DENR.

The electronic signature service contractor, which shall be an approved state electronic signature service contractor, shall be used unless it is impractical or not feasible due to urgency or shortage of time, physical unavailability, lack of access to necessary hardware or software, or other exigent circumstances. In such cases, one of the following alternative forms of electronic signature may be used, at the discretion of each Assistant Secretary or Commissioner/Deputy Commissioner/Director:

1. A scanned ink signature (accompanied by a secondary validation document) such as email receipt provided that the email is sent by the signer or copy of valid driver's license or valid state issued ID).
2. A signature captured using a digital pen or pad; (accompanied by a digital certificate)
3. A signature applied by an approved and secure third-party software which uses a certified digital signature, currently Adobe Pro, FoxIt, and DocuSign.
4. A typed signature on a document attached to an email providing that the email is sent by the signer.
5. For any document signed electronically, the signer must show clear intent to sign electronically. When any signer opts out of signing electronically, clear instructions on how to sign an agreement manually must be provided to the signer.

6. All signers should receive a copy of the fully executed agreement. This can be accomplished by providing a hardcopy or an electronic copy.

The standard record retention requirements apply to electronically signed documents.

Subject to all applicable laws and regulations, the following are examples of types of transactions that are eligible for an electronic signature:

1. Employment/Human Resources related transactions
2. Procurement/Contract related transactions
3. Budget/Financial related transactions
4. Policy and/or Rule transactions

V. ROLES AND RESPONSIBILITIES

Each Appointing Authority, as defined in [State Civil Service Rule 1.4](#), has discretion to decide whether to permit the use of electronic signatures for documents specific to their office that are not specifically identified as approved by this policy. Each office should work with the Legal Division to determine where applicable laws permit an electronic signature to be used. In addition, each office that opts to use electronic signatures must adopt/amend their business practices to support the requirements of this policy. Each office shall identify the documents that will be processed for electronic signature and shall develop appropriate guidelines in accordance with this policy.

Individuals who falsify electronic records or electronic signatures may be subject to criminal penalties under La. R.S. 14:132 (Injuring Public Records) or La. R.S. 14:133 (Filing or Maintaining False Public Records) and additionally may be subject to disciplinary action, up to and including separation from employment in accordance with Civil Service Rules and DENR policies.

VI. CAVEAT

If there is a conflict between this DENR Policy and the options chosen by an Appointing Authority per paragraph V, above, this Policy shall supersede with regard to the conflicting section.

VII. EXCEPTIONS

There shall be no exceptions to this policy.

VIII. QUESTIONS

Questions regarding this policy should be directed to DENR's Legal Division.

IX. REVISION HISTORY

Date	Action
September 2024	Policy Established

AUTHORIZATION:

Mark Normand, Jr., Undersecretary