

Use of Electronic Signatures

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To maximize the impact of pro bono engagement by connecting a network of attorneys with nonprofits in need of free business legal services.

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- In order to be a client of Pro Bono Partnership of Atlanta, an organization must:
 - ✓ Be a 501(c)(3) nonprofit.
 - ✓ Be located in or serve the greater Atlanta area.
 - ✓ Serve low-income or disadvantaged individuals.
 - ✓ Be unable to afford legal services.
- *Visit us on the web at www.pbpatl.org*
- We host free monthly webinars on legal topics for nonprofits
 - ✓ To view upcoming webinars or workshops, visit the [Workshops Page](#) on our website
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This webcast presents general guidelines for Georgia nonprofit organizations and should not be construed as legal advice. Always consult an attorney to address your particular situation.

Introduction

- What are electronic signatures?
- How can you use electronic signatures?
- What does an online waiver require?
- What is a digital signature? How does it differ from an electronic signature?

What do we mean by “electronic signature”?

- What does the law require (based on GA law)?
 - ✓ Confirms the intent of the person signing to sign
 - ✓ Unique to the person signing
 - ✓ Capable of verification
 - ✓ If the signature recording is altered, the signature becomes invalid
 - ✓ The signed document must be later retrievable *and* readable

What do we mean by “electronic signature”?

- Examples of electronic signatures:
 - ✓ A web form with an “I accept” checkbox if the website stores information about the transaction (metadata)
 - ✓ Affixing a “digital signature” to a PDF or other electronic document
 - ✓ Sending an email with an acceptance statement

What do we mean by “electronic signature”?

- How does it improve upon a physical signature?
 - ✓ Easier to store and retain
 - ✓ Less staff needed to manage vs. paper copies
 - ✓ Less chance for human error

What do we mean by “electronic signature”?

- What issues does it not solve?
 - × Can still be fraudulent – the name may not match the person who actually signed it
 - × Normal contract acceptance rules still apply

How can a typical non-profit use electronic signatures?

- Volunteer waivers
- Volunteer timesheet submissions
- Assistance requests

How can I setup an online waiver?

- Setup a website with the following included:
 - ✓ Your organization's waiver agreement
 - ✓ An agreement version number or "Last Updated" date
 - ✓ Contact information for the reader to confirm acceptance and receive a copy of the agreement

How can I setup an online waiver?

- After the agreement, include:
 - ✓ Confirm the reader understands both:
 - the agreement and
 - what act means the reader accepts the agreement
 - ✓ A clear method to accept the agreement; do not default an “I accept” checkbox to checked; consider requiring the person type out his/her name
 - ✓ A clear method to decline acceptance
 - ✓ After acceptance, show a confirmation page with contact instructions for questions or issues.

How can I setup an online waiver?

- Behind the scenes:
 - ✓ Retain the agreement version # or Last Updated date
 - ✓ Retain the date and time of the signature and the person's name or login
 - ✓ Collect information unique to, and known only to, the person – if a login/password was first required, then that may be sufficient; otherwise, collect personal information appropriate for the transaction

What is a digital signature?

- Uses cryptography to affix a user's signature to a document in a way that cannot be modified
- Based on robust user authentication
- For enhanced and "guaranteed" protection
- Adobe Acrobat Pro includes digital signatures
- Vendors include: DocuSign, EchoSign, Sertifi
- Can merge digital and physical signatures using touch screens

Final tips

- Don't just copy/paste a scanned signature image or rely on them from individuals.
- Retain all agreement versions and the collected acceptance information.
- Choose a process that works best for your organization and its culture; don't pick the technology first.

Summary

- Electronic signatures can be more efficient
- Make your process exceptionally clear to both your users and staff.
- Consider digital signatures for the best protection.
- Diligently retain and protect the information

For More Information:

If you would like more information about the services of Pro Bono Partnership of Atlanta, contact us at:

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