



ESRA Report: US policy and Industry Update

ETSI EU-US Electronic Signature Workshop

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ESRA Mission



- **Purpose:**
Centralized educational resource for its members, the public and governmental agencies
- **Scope:**
Legal, regulatory and operational issues relating to the use of electronic records and signatures



U.S. E-signature framework



ESIGN/UETA

- “minimalist”
 - Permissive
 - Opt-in
- Technology neutral
- Parties determine risks, procedures

Speaking the same language?



United States

- Sound, symbol or process
- Attached to/associated with a record
- Executed or adopted
- By a person
- With intent to sign

Europe

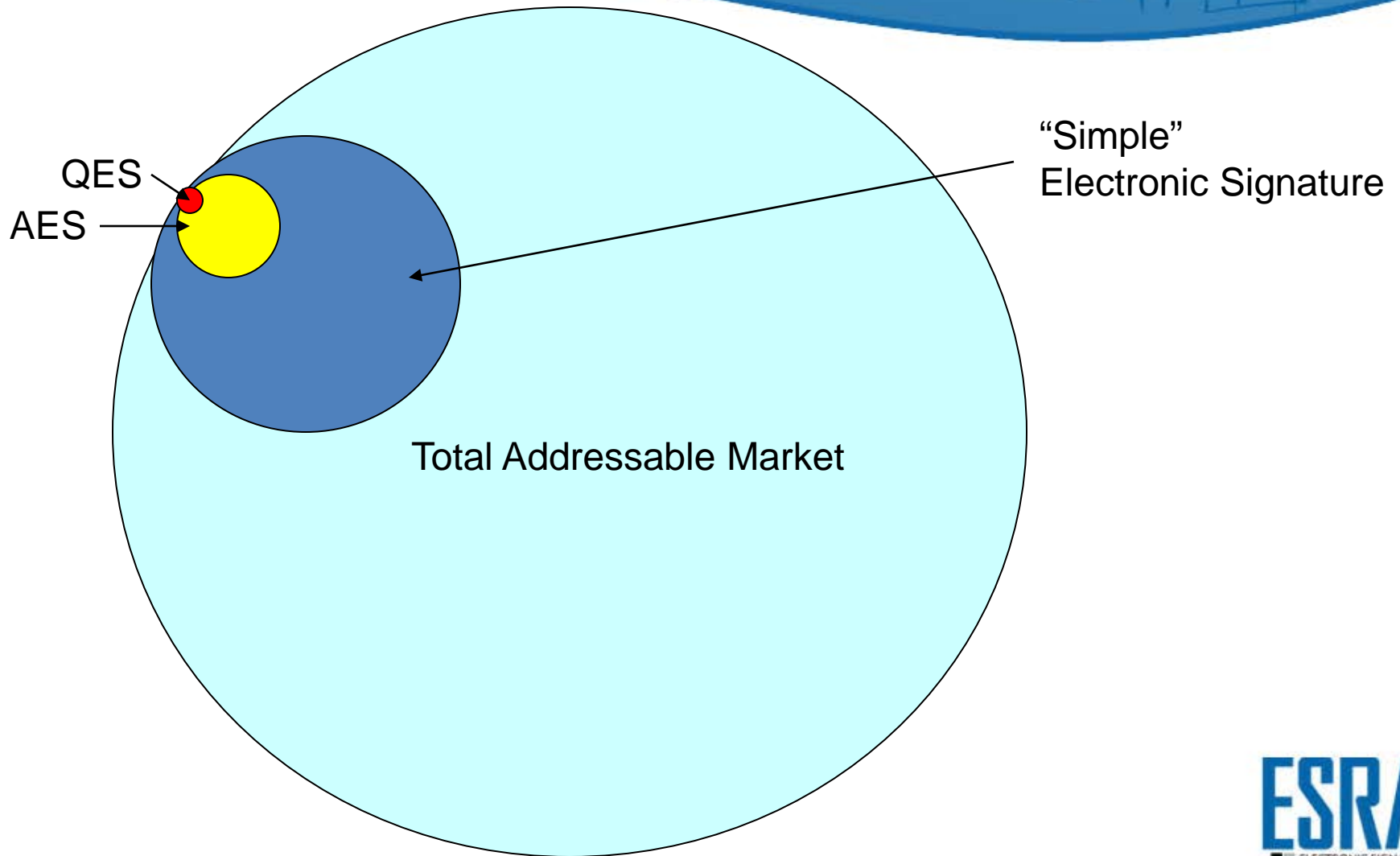
- data in electronic form, which are
- attached to or logically associated with other electronic data, and which
- serve as a method of authentication.

Speaking the same language?



- Civil law vs. common law cultures
- Necessity of protecting relying parties vs. acceptance of risk
- Procedural vs. evidence based
- “Equivalent to handwritten signature” vs. proof of a transaction

Market for eSignature solutions?



Industries using “simple” Electronic Signatures in U.S. Today



- Government
- Insurance
- Banking
- Ecommerce
- Business-to-consumer contracts
- Business-to-business contracts
- Human Resources
- Healthcare

Methods of signing



- “Click to agree”
- In-session acknowledgment/agreement
- Voice signature
- Software- or SaaS-driven process of obtaining elements of a signature
- Mobile devices

Authentication



- Not addressed by legal framework
- Certificate Authorities acknowledged only in some states
- One or more parties may impose requirements, such as:
 - Certificate
 - Shared secret
 - Address verification
 - Phone authentication
 - Knowledge-based authentication

NSTIC



- U.S. federated eID project