



Electronic Signatures at acib

Frequently Asked Questions and User Guideline

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2 GENERAL INFORMATION

acib has introduced DocuSign as a platform for electronic signatures to make signature processes easier, environmentally friendly and fast. DocuSign is one of the leading electronic signature platforms for the simple, efficient and secure electronic signing of documents and contracts. Further information about DocuSign can be found at www.docusign.de.

Why does acib use the DocuSign workflow for signatures?

Compared to the manual, paper-based signature process, there are many advantages for acib and its business and cooperation partners. For example, contracts and agreements can be signed and used faster and more conveniently via the DocuSign workflow. Furthermore, the process saves all partners effort and costs and reduces the CO2 footprint. Lengthy postal channels and multiple signature sheets are a thing of the past with the electronic workflow. In addition, the documentation of the entire process is improved.

What are the main advantages of signing documents electronically?

For all parties involved in the signature process, the electronic signing of documents offers the following advantages, among others:

- **It saves time:** Contracts can be drawn up very easily and quickly, with less time and staff and anywhere from any device with Internet access.
- **It reduces process costs:** Printed contracts do not have to be scanned, electronically transmitted and sent by post to all partners. There is no need to sign numerous signature sheets for several partners.
- **There is security and commitment:** The DocuSign platform meets the requirements of the eIDAS regulation of the European Union as well as certified standards in the USA and Europe. The information always remains protected, encrypted and secure. Compared to transmission by email, security is significantly increased due to the encryption and available access protection.
- **It creates transparency:** The current status of a document can be easily tracked by all parties involved. Documents and data are therefore no longer lost within the process. Automated reminders also ensure that all parties involved move forward in the signature process as quickly as possible.
- **It increases the ease of use:** The web-based platform of DocuSign is easy and intuitive to operate. Simple explanations are also available during the drawing process. In addition, information on the signing process is always available via the help functions.

- **It increases efficiency:** The electronic process reduces the administrative workload for everyone involved and allows you to focus on more important tasks. With functions such as forwarding, designating and sign-on-paper, DocuSign processes can nevertheless be optimally integrated into the company's own processes.
- **It is environmentally friendly:** By eliminating the need for printing and shipping materials as well as transport costs, we jointly protect valuable resources and reduce the CO2 footprint (see <https://www.docusign.com/forests>)
- **The signature is free of charge:** For all partners of acib it is always free of charge to view a received document and sign it electronically via DocuSign. It is not necessary to create a separate DocuSign account.
- **It is secure:** Documents are not sent by (unencrypted) email but are available for collection on a secure server. In the case of top secret information, access is secured by a separate password or authentication via a unique SMS code is required.

3 E-SIGNATURES - DEFINITION AND APPLICATION

What is an electronic signature?

Electronic signatures or e-signatures enable digital documents to be legally signed and replace the handwritten signature on paper. The European *eIDAS-Regulation* (see <https://bit.ly/3o7xw7K>) defines an electronic signature as data in electronic form (*signature*) which is attached to or logically associated with other electronic data (*document*) and which the signatory uses to sign.

What can electronic signatures be used for?

In principle, e-signatures can be used for any contract, offer or brief between two or more companies or institutions, provided that the applicable law is US or EU law or any law with comparable regulations. If a special written form is required by law, the simple electronic signature as used as standard in DocuSign may not be sufficient. Detailed information about the legal quality of electronic signatures is provided by DocuSign at <https://www.docusign.com/trust/legal>.

Are electronic signatures legally binding?

In July 2016, the "*Regulation on electronic identification and trust services for electronic transactions in the internal market*" (eIDAS, see <https://bit.ly/3o7xw7K>) came into force in all EU Member States. This makes electronic signatures or e-signatures legally binding for almost all business transactions throughout the EU and the US.

DocuSign meets the strict requirements of the *eIDAS Regulation* in the EU and the *ESIGN and Uniform Electronic Transactions Act* in the US. Decisive for the legal validity is the applicable law of the underlying contract and not the domicile of the parties. For contracts with acib this is usually European law. Further information can also be found at www.docusign.de/eidas.

What types of electronic signature are there?

The eIDAS Regulation defines three types of electronic signatures:

- the simple electronic signature (*SES*),
- the advanced electronic signature (*AES*) and the
- qualified electronic signature (*QES*).

The qualified electronic signature, in which the identity of the signatory has been verified by a state authority, replaces the signatory's own signature even in cases where the law provides

for written form and is fully equivalent to a handwritten signature. However, a simple electronic signature is also sufficient for ordinary business transactions (exception: e.g. notarial acts, articles of association).

According to eIDAS Art. 25 (1), an electronic signature cannot be denied legal effect and admissibility as evidence in legal proceedings solely because it is in electronic form or because it does not meet the requirements for qualified electronic signatures. On the basis of this provision, simple electronic signatures are also legally valid.

Advanced or qualified electronic signatures allow the unique identification of the signatory on the basis of a state verification procedure. Such verifiability of the identity of the signatory often does not exist with handwritten signatures and is not legally required - except in special cases provided by law, such as notarial acts.

What type of electronic signature does acib use?

Within DocuSign acib uses the simple electronic signature (SES). Unless otherwise required by law, acib does not demand the use of qualified electronic signatures (QES).

Does acib use advanced authentication in the signature process?

In some special cases, e.g. if there is no evidence of the signatory's authority to sign or no unique email-address of the signatory, acib may require the authentication of the signer via the SMS system of DocuSign. In this case, the signer's mobile phone number is pre-deposited in the system and the signer has to identify himself via a code transmitted to this mobile phone. The authentication is documented and certified by DocuSign.

Alternatively, within the DocuSign process, acib can make the upload of a scan of an identity document or a signing authority mandatory in order to ensure the identity of the signatory. Such a document is attached to the document to be signed during the DocuSign process.

How do I recognise an acib signature in documents signed via DocuSign?

While the actual, legally valid signature is created by the encryption and documentation process of DocuSign, a pictorial signature representation is displayed in the document.

The signatures used by acib are images of the handwritten signature of the respective signatory and are usually provided with a deposited logo or stamp.

Sample Signature acib with logo



Sample Signature acib with stamp



The image of the handwritten signature can be compared with the sample drawing, for example in the company register.

What if we need a wet-ink signature or a qualified signature?

acib has stopped to provide wet-ink signatures for standard cases to avoid additional administration and to benefit from all advantages mentioned above. If a wet-ink signature is not required by law, please contact acib how to proceed. Be aware, that handwritten signatures may take a lot more time to be executed (up to six weeks) due to the translocal structure of acib. Furthermore, acib may require reimbursement of transportation costs and additional efforts.

If a qualified signature is absolutely required by law or internal demands of our partners, acib can provide a copy of the original document with qualified electronic signature of the CEO of acib. Please consider, that multiple qualified signatures may not be accessible to the proving process and therefore acib will provide a single signed document with qualified signature in addition to the DocuSign process for our partners. Please complete the DocuSign process before requesting a copy with qualified signature.

Except if required by law, acib will not require a qualified signature by our partners. If an advanced procedure seems necessary, acib will make use of the authentication process via mobile phone.

Does DocuSign offer sufficient data security?

acib has chosen DocuSign as its electronic signature provider, as it meets the industry leading best practices for securing data and transactions. Each electronic signature is unique, documentable, encrypted and forgery-proof. The confidentiality of all transactions is ensured and DocuSign creates a certificate of completion for each completed transaction. This certificate contains a comprehensive audit trail of the signature events. The certificate is provided to all signatories of a document for documentation.

What is the certificate of completion?

The *completion certificate* provides the complete audit trail of a respective DocuSign transaction. If a participant in the transaction doubts his signature or if there is any question about the transaction, the audit trail or the completion certificate can resolve such objections. The certificate is available to all participants of the transaction and contains specific information such as mail addresses of the signatories, names, authentication methods, uploads of ID documents and IP addresses with time stamps. The signatures are thus legally binding.

Are signed documents stored forever on the DocuSign platform?

acib uses DocuSign only to execute the signature process. After completion of the transaction the documents remain available for retrieval on the DocuSign platform. The storage period - set by acib - for documents on DocuSign servers is one year, after which the documents are securely and irrevocably deleted from the DocuSign servers together with all personal data.

acib stores all documents together with the certificates of completion on its own servers and keeps a printed backup copy.

Where does DocuSign store the data?

DocuSign has two different data rings, each with three data centres. One ring in the USA and one in Europe. The data centres of the European ring are located in Germany, France and the Netherlands. acib uses the European data ring to store and process e-signatures.

4 PREREQUISITES

Do contractual documents between acib and its partners have to be adapted before using e-signatures?

With the provision of the electronic signature process, acib offers its partners the possibility to submit their declaration of intent or signature on a comfortable, electronic way. By signing electronically, the partner implicitly agrees to this electronic signature process. No further agreements or adjustments are required before the signature process.

What does acib need before signing the contract?

After agreement on the contract text, acib asks its partners for the names of the signatories and their email addresses. The document to be signed is sent directly to the respective signatory for signature.

If the signatory/ies cannot be named or has/have not yet been determined, the document can be sent to a *contact person* who will determine the signer(s) and enter the respective email address(es) during the process. The dispatch to the signatories is automatically carried out in the next step. The prerequisite for this process is the announcement of a contact person with an email address and the number of signatories.

What if electronic signing is not possible or not available?

DocuSign offers the option of signing on paper and uploading a scan of the signature. Recipients can select this method themselves during the process, download the document, have it signed and upload it signed into the system. The signed document is added to the entire process and transmitted to all partners. For acib it is necessary to specify the contact person to whom the document is sent and who will carry out the signing process in the company.

What are the costs for signatories?

For you as a partner of acib it is always free of charge to sign a document in the business process with acib via DocuSign.

My company uses DocuSign (or another provider) itself, can we start the process?

Usually acib starts the - often complex - signature process. This relieves the partners and reduces your administrative effort.

Should it be absolutely necessary to start the process from your side due to your internal company requirements or the particular complexity of your signature run, please contact us to coordinate the signatories and the further process.

Do I need a personal DocuSign account for signing?

No, registration with DocuSign is not required. Signatories will receive an e-mail notification as soon as a document for electronic signature is ready for them. This e-mail notification contains a link to the documents to be signed. The link allows signatories to review the documents and make the electronic signature.

If signatories want to use the mobile app of DocuSign on their smartphone or tablet, or see the status of all transactions at a glance, they can register with DocuSign free of charge and create a DocuSign account. All documents sent to the registered email address will appear in the app or in the account.

How do signatories have to authenticate themselves with DocuSign?

acib uses the simple electronic signature, which is defined by the eIDAS regulation of the EU. With this form of signature, no further authentication is necessary. If the signer receives an e-mail notification, usually no authentication is necessary to sign the transmitted documents.

In *special cases* acib can define an authentication. In this case acib requires the mobile number of the signer in advance. The signing process is then only possible if a code transmitted to the mobile phone has been entered.

If *special secrecy* is required, acib can pre-transmit an access code required for access by separate means, usually by telephone or SMS.

Why does acib not use the advanced signature with two-factor authentication?

An advanced electronic signature is created using electronic signature keys that are exclusively assigned to the signatory and under his sole control. This can be, for example, a PIN which is transmitted to the signatory's mobile phone once for this transaction.

As acib assumes that in most cases we do not know or should not know the personal mobile phone number of the signatories, we do not consider this form of two-factor authentication to be practicable. The simple electronic signature is common in the industry.

However, acib reserves the right to use such an advanced signature in special cases by asking for the signatory's mobile phone number in advance and contacting him/her.

How will I be informed when I have to sign a document?

Signatories receive an email notification from acib via the DocuSign system. In this message there is a link that leads to the corresponding document and the signer is asked to sign. With this link the signer can open, download, check and electronically sign the document. The system guides the signer through the signing process.

How do I know that the document comes from acib?

All sender addresses end with @acib.at. In the email itself there is an acib logo as well as name and photo of the person sending the email. acib does not usually send documents for signature without prior agreement.

If you are in doubt whether the document was sent by acib, please contact office@acib.at.

Why have I not received email notification from DocuSign?

If you do not receive email notifications from DocuSign, please check your spam filter. If the email has been blocked, please change your settings to let through email with DocuSign or acib sender.

Is it possible to have the final document sent to our contract or legal department?

When starting the signature process acib can add additional recipients in carbon copy. Please specify the additional recipients in advance and they will get the final document as well.

5 PERFORMING E-SIGNATURES

How to sign with DocuSign?

With DocuSign, as the recipient of an e-mail notification using an Internet-capable device (mobile phone, tablet or computer), you click on the link contained in the notification. The document will now open. Tabs and simple explanations guide you through the signature process up to the confirmation of the electronic signature. Click on "Finish" to save the signed document. The process is now complete.

Do I need to scan and upload my signature?

A scanned signature is not required for the electronic signature in DocuSign. The background to this is, that the stamp with the signature under the document is not decisive for the legal binding. The printed signature is only a pictorial representation and has a symbolic character.

The legal manifestation of the declaration of intent is made by clicking on the signature field and clicking on "Finish" in the platform. The technical documentation of the signature is done by the signature process at DocuSign.

After each completed signature, DocuSign provides the respective signatory with a final certificate, which then serves as proof of the signature performed. It is therefore sufficient to provide the name during the signing process. DocuSign then gives you the option of choosing between several fonts to determine how the signature should appear in the document. If the signer wishes the electronic signature to be similar to the handwritten one, the DocuSign signature function can be used to create a signature on a mobile device or a photo of the signature can be uploaded. If the signatory has a (free) DocuSign account, a signature image can also be deposited.

Why is a virtual signature put under the document and not my own?

From a legal point of view, it is not the stamp with the signature under the document that is decisive but the manifestation of the declaration of intent, which is made by clicking on Finish. The decisive factor is that DocuSign signs the final documents and the final certificate with a digital certificate, thus ensuring that the documents cannot be altered during and near the signing process and that the transaction has taken place according to the verification path.

The signatory has the choice to choose a pre-fabricated signature from the DocuSign portfolio for his electronic signature, to use a touch pen to draw it on a touch screen or to upload his own signature with a scan. This is only a pictorial representation of the knowledge declaration.

How can I integrate additions to the signature such as i.V. or ppa.

If you want to add signature addenda such as i.V., i.A. or ppa., these must be entered in the name field. In other words, you must enter your name in DocuSign accordingly or specify it with the signature.

I have received a DocuSign email from acib, but I am not the signatory. Can I forward the request for signing to the correct signer?

Yes, it is basically possible to forward the request for signing to another person if you are not the signatory of the contract. Open the document in DocuSign, select the button "Assign to another person" to assign the request to the correct person. Please do not forward the DocuSign e-mail notification under any circumstances, as the recipient of the e-mail can then sign with DocuSign on your behalf via the link.

In some cases acib may have disabled the function to assign the document to another signatory, e.g. if a personal signature is demanded. In this case please contact acib for a change of signatory.

How will I be informed when the contract has been signed by all the signatories?

Once the contract has been signed by all the signatories, you will receive an e-mail notification from DocuSign informing you that the contract is ready. All signed documents and the final certificate are available as attachments to this e-mail.

How do I get the fully signed contract and the certificate of completion?

Once the contract has been signed by all signatories, you will receive an e-mail notification from DocuSign informing you that the document has been completed. A signed document and the final certificate are available via a link. acib keeps completed documents available in the DocuSign-cloud for one year, after which they are completely deleted.

Can I still change the document I am signing?

The document is provided by acib after the conclusion of negotiations and cannot be changed by you. After checking the document in DocuSign, you can refuse to sign if changes are still required. You will be asked to give a reason for the refusal.

Before you reject the document, please contact acib. In this case the document can be changed by acib without aborting the signature process. Signatories who have already signed the document will be asked to sign it again or have to release it again. If you refuse to sign, the process will be stopped and aborted and must be started completely new.

Can I revoke my signature or refusal?

No. After you have completed and saved the process by clicking on *Finish*, the workflow is documented on the DocuSign platform and cannot be cancelled or revoked via the platform. If the process has not been finished yet by all signatories, please contact acib immediately to cancel the process and restart it.

Once the signature has been executed, I will be asked to register. What is this all about?

At the end of each transaction DocuSign offers a registration option. In principle, a signatory does not have to register or log in into DocuSign to participate in the workflow. The request can therefore be rejected in principle.

Registration is free of charge and offers the signatory some additional options. Examples are an overview of the status of all his transactions, the use of the DocuSign App and among other things the import of the scanned signature.