

Records Maintenance and Retention Best Practices for DocuSign

I. Definitions

1. **DocuSign** is an electronic signature platform featuring workflow and auditable authentication of electronic signatures on City records and other documents.
2. **Electronic Signatures** are a digital representation of a signature on a document showing parties' willingness to agree to and/or adhere to the contents of that document. The validity of electronic signatures is governed by Wis. Stat. §§ 137.15-23 and others, and may be further be determined by City Ordinance and policy.
3. **Public Records** are any materials, in any format, created or kept by any local office, elective official, agency, board, commission, committee, or department in connection with his, her or its official purpose or function.
4. **Records Series** are groups of functionally-related records that share a retention period as established by Records Retention and Disposition Authorities (RRDAs) developed in conjunction with City Records and approved by the City Information Management Committee (CIMC).
5. **Records Custodians** are the officials in each elective office, department or division that are responsible for maintaining an authoritative copy of that office's, department's, or division's records, and providing them as needed for audit, records request, or other purposes.
6. **Envelopes** are electronic groupings of documents and workflow history used by DocuSign to provide evidence of an authenticatable e-signature process.
7. **Templates** are envelopes that are pre-populated for use by numerous different users using identical or similar forms and other documentation.

II. General Principles

1. **Statement of Policy.** Envelopes produced and completed using the DocuSign E-Signature/Workflow platform **are legally records** as defined in Wis. Stats. § 19.32, and are subject to retention and disclosure requirements under Wis. Stats. §§ 19.21, 19.35, and others.
 - a. **Non-Official Records Retention and Disposition.** If records are not intended to be the Official Record/Copy of Record subject to retention and disclosure requirements, and the official version of the record is stored outside of the DocuSign environment, they may be considered personal materials, as defined by Wis. Stat. § 19.32(2) , and may be destroyed once no longer needed for administrative purposes.
 - b. **Official Records Retention and Disposition.** If records are intended to be the Official Record/Copy of Record for a unit, they must be retained according to their approved Records Retention and Disposition Authority (RRDA). By default, responsibility for knowledge of and adherence to retention and disposition requirements will be on the creators of the documents so designated. The Teams site admin may coordinate with ITMD and the City Records Officer to develop site or content-type policies to automate retention and disposition of any such records.

- c. **Retention of Electronic Records.** Per Wis. Stat. § 137.20 and Wis. Admin Code ADM 12, records created or authenticated electronically may be kept in electronic form, provided that those records maintain certain qualities related to the accuracy and accessibility of the electronic record for the duration of its required retention period. Only a completed envelope, as a declared and finalized record, is required to be maintained in this manner.
- 2. **Composition of DocuSign Record.** To maintain the requirements of authenticity as outlined in II.1.c, a completed DocuSign envelope must include the following components, associated logically with all other components. These records can typically be downloaded together upon completion of an envelope:
 - a. The completed and signed form itself
 - b. The Certificate of Completion generated by DocuSign upon completion of the envelope, which includes:
 - i. The history of signing and/or viewing events associated with the envelope
 - ii. Record of acceptance of Electronic Record and Signature Disclosure, if any signatories do not already have DocuSign accounts
 - iii. Record of any witness/notary/certified delivery events, as applicable
 - c. The comments history file, if comments were added by any party during the signing process
 - d. Any attachments submitted as part of the envelope completion process
 - e. Any forms data collected during submission that is critical to the completeness of the record, but is not reflected on the document itself
- 3. **Composition of Form Master.** Envelope Templates created/maintained on DocuSign are subject to retention requirements set forth in City of Milwaukee RRDA # 19-0019 (Form Masters), and should be retained two years after major changes to the form or process. DocuSign allows users to download templates as JSON files, which can be reuploaded for reimplementation as needed. If users wish to document the process manually, the following information should be captured:
 - a. The form template itself
 - b. The list of signatories and/or signing roles, and the order in which they sign the envelope, including permissions
 - c. Any and all customized messages to signatories as part of the template
 - d. A list of form fields for data collected by DocuSign
- 4. **Records Storage for DocuSign envelopes.** Users are **strongly encouraged** to maintain official records outside of the DocuSign platform once they have been completed, including all components described in section II.2 of this document. This is to ensure ongoing accessibility to and control of official City of Milwaukee public records, as well as to avoid problems with access permissions or other security issues.
 - a. **Storage on DocuSign Platform.** Native storage of completed documents is recommended only for envelopes with extremely short (<2 months) retention periods, or for envelopes where the document itself with signatures is less significant than the data it collects or contains.
 - b. **Storage on Department Information Systems.** Completed documents with all Section II.2. components may be exported and stored in departmental information or content management systems, so long as those systems meet the requirements for Wisconsin

ADM 12 retention of electronic public records. **Share drives, personal hard drives, web page storage, or other unstructured/unsecured storage should not be used for the storage of official records.**

- c. **Storage on E-Vault.** The City Records Center's FileDirector electronic document management system (E-Vault) meets all ADM 12 requirements for records and can be configured to import and organize completed envelopes for facilitated retrieval. Records must have an approved RRDA to be stored on E-Vault for temporary or permanent retention. Please contact City Records to discuss use of E-Vault for storage of completed DocuSign records.

III. Responsibilities of User Departments

1. **Official DocuSign Records Custodian.** Each user department should designate one or more employees as records steward for maintenance of official/authoritative copies of completed DocuSign records. This designee will be responsible for maintaining completed envelopes for their designated retention periods as described by Section II.1.b of this document, as well as for following proper disposition of those records once retention has been met or documents have been exported to appropriate external storage.
 - a. **Ownership of templates.** The DocuSign records custodian for each unit should be the primary owner of all templates and forms for the department. This will allow the custodian to more easily make operational changes to templates and to access form data for export purposes. Templates may be shared with other users for their use, and ownership may be transferred to/from users to allow subject-matter experts to make changes as appropriate.
 - b. **Ownership of Documents.** By default, the user who sends an envelope, either ad hoc or via a template, is the "owner" of that document on the DocuSign platform. The DocuSign records custodian for each unit should have rights to shared envelopes for all members of their unit to allow them to take control of the authoritative copy and manage appropriately.
2. **Other Authorized Users.** Employees who are responsible for initiating or responding to processes via DocuSign should have activated accounts on the DocuSign system linked to their Milwaukee.gov account. These users should have all information set up in their account to allow them to send envelopes from templates or ad hoc without having to configure an e-signature for each envelope.
 - a. **Retention of envelope copies.** Authorized users who are part of a workflow, but not the owners of the envelope or template, maintain versions of the completed envelope within their user accounts as convenience copies, i.e. as non-official records. These records are not required for retention but may be requested for public records requests, and therefore should be deleted from accounts regularly.
3. **Onboarding for new series on DocuSign.** User departments should complete an onboarding template for **each** document type they are expecting to collect on DocuSign (see Appendix A), for distribution to ITMD and City Records for review. This template should include information on the information management and security needs of the record series, including:
 - a. The employee within the department responsible for management of the official record
 - b. The Records Retention and Disposition Authority (RRDA) that applies to the record

- c. Any special information security/sensitivity concerns for the stored records
 - d. The location and nature of storage for completed records for the duration of their retention period
 - e. The location and nature of storage of records form information for the duration of the records retention period
 - f. The plan for disposal/archiving of completed records following expiration of the retention period
 - g. Any other information pertinent to management of the record or related documents
4. **Destruction of Expired Records.** The DocuSign records custodian is responsible for destruction or purging of records maintained on the DocuSign platform, once one of the following conditions is met:
- a. The official record, as constituted in Section II.2 of this document, has been exported to an appropriate external storage area, and the DocuSign record can be designated as a convenience copy only
 - b. The official record, maintained in DocuSign throughout its lifecycle, has been retained for the duration of its RRDA-prescribed retention period and should be disposed of in accordance with Wis. Stat. § 19.21
 - c. The envelope has otherwise reached a terminal state (Completed, Voided, or Declined), has entered the 14-day purge queue, and is not otherwise required to be maintained in this format

IV. Responsibilities of City Records/ITMD

1. **DocuSign Series Onboarding Review.** Representatives from City Records and ITMD should receive onboarding forms for new records series proposed for use on DocuSign and review to provide feedback on records retention, security, records storage, or information management concerns. In the event that changes are recommended, or that DocuSign use is determined to be inappropriate for a given series, the representatives should meet with the submitting department in a timely manner to discuss changes/corrections.
2. **Applications and Users Inventory/Audit.** City administrators of DocuSign should maintain and periodically update operational lists of various components of DocuSign use for audit and review purposes, potentially removing inactive users/applications as needed. DocuSign already creates a number of these reports, but it may be useful to add information to reports as below:
 - a. **Group Activity Report** (Departmental use)
 - b. **User Activity Report** (Individual user use)—add information about designated department custodians
 - c. **Envelope Report** (Sent envelopes)—add information about records series used in templates. See appendix B for an example.
3. **Records Retention/Version Control.** City Records and ITMD should work with user departments to develop an appropriate data retention policy for completed or expired envelopes, as provided by the tools on the DocuSign platform. Best data management and records retention practice is that only authoritative copies of envelopes (i.e. those maintained by the envelope originators) should be maintained for an extended period, and that envelopes that have been deleted by users should be purged following a sufficient warning period.

- a. **Form Field Data/PII control and security.** By default, DocuSign records retention deletes only the documents within envelopes during purge cycles. City Records and ITMD should work with user departments to determine the operational value of deleting envelope histories, clearing field data collected by an envelope or PowerForm or using Personally Identifiable Information (PII) redaction controls provided by DocuSign to remove user information from history files.
4. **Connections from DocuSign to other information systems.** City Records and/or ITMD should work with user departments to identify potential connections to facilitate transfer to and storage of envelopes in external information systems, such as E-Vault. In cases where form data is useful for indexing or retrieval purposes, City Records can advise on appropriate use and routing.