Federal Aviation Administration

Memorandum

Date: DEC -2 2010

From: Rebecca B. MacPherson, Assistant Chief Counsel, AGC-200

To: Gary Powell, Assistant Division Manager, AFS-401

Prepared by: Sara Mikolop, Staff Attorney, AGC-200

Subject: Use of Electronic Signature with Stamp Option

This memorandum is provided in response to Mr. Monk's August 13, 2010, e-mail asking whether the AFS-400 special instrument procedure program may use an electronic signature with stamp in the FAA approval process for special instrument procedure approvals.

We understand the specific circumstances surrounding your question to be as follows. Currently, approvals from AFS-400 and branches within AFS-400 for special instrument procedures are provided through digital signature procedures. According to Adobe, a digital signature is a secure signature. *See* e-mail from Lisa Croft to John Monk et al., July 27, 2010. Once the digital signature is enabled, all changes to the signed document are tracked and additional pages cannot be added to the document without invalidating the signature. *See id.* Today, when a document such as a chart or an amended form needs to be added to an instrument procedure approval package, AFS-400 creates a separate e-portfolio to which the document can be added. The instrument procedure package and e-portfolio are uploaded to SharePoint at various stages of the approval process allowing all approving officials to be on notice of what has been approved at the various stages of the process.

With the goal of making the special instrument procedures approval process more efficient, AFS-400 has inquired as to whether it may use an electronic signature with stamp. According to Adobe, electronic signature with stamp allows the user to create a custom stamp that can then be used to sign an electronic document. *See* e-mail from Lisa Croft to John Monk et al., July 27, 2010. This is not a secure method of signing and does not track changes to the document once the document has been signed. *See id.* Further, it would allow additional pages to be added to the document without invalidating the signature/stamp. *See id.*

The approval process for special instrument procedures is set forth in FAA Order 8260.19D, Flight Procedures and Airspace. This order indicates that certain stages of instrument procedure development (e.g., software development) managed by the Air Traffic Organization and the National Flight Procedures Office are subject to specific information security protocols in FAA Order 1370.82. *See* FAA Order 8260.19D. However, based on conversations with Mr. Monk,

our understanding is that you wish to use the electronic signature with stamp for a document approval process for AFS-400 and divisions within AFS-400. This process would be limited to the post Procedure Review Board approvals for special instrument procedures.[1]

Although we do not believe that the issue of whether to use an electronic signature with stamp under the circumstances described above involves a legal question, we suggest that you consider whether the information has specific information security or proprietary requirements and consult FAA's Office of Information Systems Security if you have questions. Further, we suggest that you consider whether it is important to your approval process to have assurances such as signature security, non-repudiation, and a method by which the signatory knows what he or she is approving and subsequent readers know what has been approved. While not directly applicable to your proposed digital signature process, you may find helpful the information on electronic and digital signatures and their uses in other contexts throughout the agency in Order 1370.104, Digital Signature policy or Advisory Circular 120-78, Acceptance and Use of Electronic Signatures, Electronic Recordkeeping Systems, and Electronic Manuals.

[1] The Purpose of the Procedure Review Board is to gain consensus throughout the appropriate branches of the Flight Standards Division on approval or disapproval of a special instrument flight procedure.