

(F) (1) IF REQUESTED BY A PERSON AGAINST WHICH ENFORCEMENT IS SOUGHT, THE PERSON SEEKING TO ENFORCE THE TRANSFERABLE RECORD SHALL PROVIDE REASONABLE PROOF THAT THE PERSON IS IN CONTROL OF THE TRANSFERABLE RECORD.

(2) PROOF MAY INCLUDE ACCESS TO THE AUTHORITATIVE COPY OF THE TRANSFERABLE RECORD AND RELATED BUSINESS RECORDS SUFFICIENT TO REVIEW THE TERMS OF THE TRANSFERABLE RECORD AND TO ESTABLISH THE IDENTITY OF THE PERSON HAVING CONTROL OF THE TRANSFERABLE RECORD.

21-116. CREATION AND RETENTION OF ELECTRONIC RECORDS AND CONVERSION OF WRITTEN RECORDS BY GOVERNMENTAL AGENCIES.

EACH GOVERNMENTAL AGENCY OF THIS STATE SHALL DETERMINE WHETHER, AND THE EXTENT TO WHICH, IT WILL CREATE AND RETAIN ELECTRONIC RECORDS AND CONVERT WRITTEN RECORDS TO ELECTRONIC RECORDS.

21-117. ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS BY GOVERNMENTAL AGENCIES.

(A) EXCEPT AS OTHERWISE PROVIDED IN § 21-111(F) OF THIS TITLE, EACH GOVERNMENTAL AGENCY SHALL DETERMINE WHETHER, AND THE EXTENT TO WHICH, IT WILL SEND AND ACCEPT ELECTRONIC RECORDS AND ELECTRONIC SIGNATURES TO AND FROM OTHER PERSONS AND OTHERWISE CREATE, GENERATE, COMMUNICATE, STORE, PROCESS, USE, AND RELY UPON ELECTRONIC RECORDS AND ELECTRONIC SIGNATURES.

(B) TO THE EXTENT A GOVERNMENTAL AGENCY USES ELECTRONIC RECORDS AND ELECTRONIC SIGNATURES UNDER SUBSECTION (A) OF THIS SECTION, THE GOVERNMENTAL AGENCY, GIVING DUE CONSIDERATION TO SECURITY, MAY SPECIFY:

(1) THE MANNER AND FORMAT IN WHICH THE ELECTRONIC RECORDS MUST BE CREATED, GENERATED, SENT, COMMUNICATED, RECEIVED, AND STORED AND THE SYSTEMS ESTABLISHED FOR THOSE PURPOSES;

(2) THE ELECTRONIC RECORDS MUST BE SIGNED BY ELECTRONIC MEANS, THE TYPE OF ELECTRONIC SIGNATURE REQUIRED, THE MANNER AND FORMAT IN WHICH THE ELECTRONIC SIGNATURE MUST BE AFFIXED TO THE ELECTRONIC RECORD, AND THE IDENTITY OF, OR CRITERIA THAT MUST BE MET BY, ANY THIRD PARTY USED BY A PERSON FILING A DOCUMENT TO FACILITATE THE PROCESS;

(3) CONTROL PROCESSES AND PROCEDURES AS APPROPRIATE TO ENSURE ADEQUATE PRESERVATION, DISPOSITION, INTEGRITY, SECURITY, CONFIDENTIALITY, AND AUDITABILITY OF ELECTRONIC RECORDS; AND

(4) ANY OTHER REQUIRED ATTRIBUTES FOR ELECTRONIC RECORDS WHICH ARE SPECIFIED FOR CORRESPONDING NONELECTRONIC RECORDS OR REASONABLY NECESSARY UNDER THE CIRCUMSTANCES.