



Use of Electronic Signatures

Ireland recognises electronic signatures (E-Signatures) in accordance with the introduction of the Electronic Commerce Act, 2000 which provides for the option of using electronic signatures as part of your daily business and interaction with your customers.

The PSRA through engaging with the sector has considered guidance relating to the use of electronic signatures, in particular the signing of Letters of Engagement/Property Services Agreements (LoE/PSA) which agents are required to complete under section 43 of the Property Services (Regulation) Act 2011 within the required timeframe. Challenges expressed by the sector include clients living abroad and the delay in getting Letters of Engagement signed within the timeframe.

The PSRA approves the use of electronic signatures for signing all PSRA documents. You the agent must ensure that if you provide a service for signing documents using an electronic signature system, this must be done through a secure encrypted method which cannot be edited or the document changed in any way after the document is signed by you the Agent and your client.

Cooling Off Period

The Consumer Rights Directive (CRD) has been implemented in Ireland by the European Union (Consumer Information, Cancellation and Other Rights) Regulations, S.I. 484 of 2013. Accordingly, all Letters of Engagement have a new statutory clause inserted which relates to a "Cooling Off" period of 14 days. **This Regulation applies to LoE/PSA where the LOE/PSA is signed electronically. Where this condition is met the Client is entitled to cancel the LoE/PSA within 14 days of the date the Agreement is signed by both parties – this is known as the "Cooling Off Period".**

Letter of Engagement or Contract for Service is a legally binding document and a full audit trail is required by the PSRA should any dispute arise as to the authentication of the document for example, the date of signature or identification of the persons signing the document. An audit trail protects you the agent against any matter which may be the subject of a complaint or dispute relating to the Letter of Engagement or any other document where you use an electronic signature.

A two factorial electronic signature security system provides assurance that the person signing the contract is who they say they are. The system which you may select for electronic signatures must be capable of producing an audit trail of the entire process including device type, IP address, dates, times, emails, passwords etc.

Warning:

Simply using a scanned electronic signature where no authentication or auditable system exists is not permissible.