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[Department:](#) 8, 1501 Governor's Office of Information Technology

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[CCR Title:](#) 8 CCR 1501-9 COLORADO RULES REGARDING ELECTRONIC TRANSACTIONS BY COLORADO STATE AGENCIES

## PURPOSE

The purpose of these rules is to promote the development and use of electronic transactions by Colorado state agencies in accordance with the Uniform Electronic Transactions Act, C.R.S. § 24-71.3-101, et seq. These rules identify the covered Colorado state agencies, define key terms, and require covered state agencies to follow the policies, standards, and guidelines established by the Governor's Office of Information Technology that: (i) require those state agencies that consent to the use of electronic transactions to enter such transactions by using only an authorized technology; (ii) establish criteria for determining if a technology is authorized; (iii) identify presently authorized technologies; (iv) establish a process for obtaining authorization for new technologies; and (v) establish, approve, monitor and modify security requirements associated with electronic transactions.

## STATUTORY AUTHORITY

C.R.S. § 24-37.5-101, et seq. - Rule authority § 24-37.5-104(6)(a)(f), § 24-37.5-104(7)(g), § 24-37.5-106(1)(q)(r), § 24-37.5-109(1)(a)&(b), § 24-37.5-602(1)(c), § 24-37.5-403(2)(b)

C.R.S. § 24-71-101

C.R.S. § 24-71.3-101, et seq.

### R1 Scope of Rules

These Rules apply to any State Agency that consents to the use of electronic transactions CRS § 24-37.5-102(4).

### R2 Definitions

The definitions set forth in this Rule supplement the definitions set forth in C.R.S. § 24-71.3-102.

- A. "Electronic Transaction" means an electronic action or set of actions occurring between two or more persons relating to the conduct of business, commercial, charitable, or governmental affairs.
- B. "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, State Agency, public corporation, or any other legal or commercial entity.
- C. "Policy Authority" means the Governor's Office of Information Technology, as established by C.R.S. § 24-37.5-101, et seq., which is authorized to establish policies, standards, and guidelines governing Electronic Transactions subject to this Rule.
- D. "State Agency" means the departments, divisions, commissions, boards, bureaus, and institutions in the executive branch of the state government. "State Agency" does not include the Legislative or Judicial Departments, the Department of Law, the Department of State, the Department of the Treasury, or any state-supported institution of higher education.

### R3 Authorized Technologies for Electronic Transactions

The Policy Authority will authorize technologies that must be used by a State Agency that consents to the use of Electronic Transactions. Any Electronic Transaction between a State Agency and a Person must utilize a technology that has been authorized by the Policy Authority.

### R4 Identification of Authorized Technologies

- A. The Policy Authority will review and authorize the use of technologies for Electronic Transactions to which a State Agency is a party.
- B. Procedure for Authorizing Technologies:
  1. Any State Agency may petition the Policy Authority to review and approve a technology for use in Electronic Transactions by providing a written request for review.

2. The petition must include a detailed explanation of the proposed technology and explain how it satisfies the security requirements and any additional applicable requirements established by the Policy Authority.
3. If the proposed technology satisfies the Policy Authority's security requirements and any additional applicable requirements, then the Policy Authority will authorize use of the technology by the State Agency.
4. The Policy Authority has one hundred and twenty (120) days from the date it receives the petition to review and to approve or reject the proposed technology. If the Policy Authority does not act on the petition within one hundred and twenty (120) days from the date it receives the petition, then the proposed technology will be deemed rejected.
5. In addition to the petition process set forth in R4(B)(1)-(4), the Policy Authority will maintain a list of presently authorized technologies that a State Agency that consents to the use of Electronic Transactions may utilize.

#### **R5 Security**

A State Agency that consents to the use of Electronic Transactions must adhere to the policies, standards, and guidelines established by the Policy Authority concerning the security of Electronic Transaction technology.

#### **R6 Validity of Electronic Transactions**

A State Agency's compliance with this Rule or the policies, standards, and guidelines established by the Policy Authority, including but not limited to its use of an authorized technology, does not affect a Person's ability to challenge an Electronic Transaction, or an electronic signature or electronic record related to an Electronic Transaction, as fraudulent or otherwise invalid under Colorado or federal law.

#### **R7 Suspension of Electronic Transactions**

If a State Agency fails to adhere to this Rule or the policies, standards, and guidelines established by the Policy Authority, then the Policy Authority may suspend or terminate that State Agency's use of Electronic Transactions until compliance is established.