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## **ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE**

### **(E-SIGN ACT)**

### **DEFINITIONS**

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#### **Definitions (Section 106)**

**Consumer**

An individual who obtains, through a transaction, products or services which are used primarily for personal, family, or household purposes, and also means the legal representative of such an individual. Generally, in the credit union context, “consumer” refers to “member.”

**Electronic**

Relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

**Electronic agent**

A computer program or an electronic or other automated means used independently to initiate an action or respond to electronic records or performances in whole or in part without review or action by an individual at the time of the action or response.

**Electronic record**

A contract or other record created, generated, sent, communicated, received, or stored by electronic means.

**Electronic signature**

An electronic sound, symbol, or process, attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record.

**Federal regulatory agency**

An agency, as that term is defined in section 552(f) of title 5.

**Information**

Data, text, images, sounds, codes, computer programs, software, databases, or the like.

**Person**

An individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity.

**Record**

Information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

**Requirement**

Includes a prohibition.

**Self-regulatory organization**

An organization or entity that is not a Federal regulatory agency or a State, but that is under the supervision of a Federal regulatory agency and is authorized under Federal law to adopt and administer rules applicable to its members that are enforced by such organization or entity, by a Federal regulatory agency, or by another self-regulatory organization.

**State**

The District of Columbia and the territories and possessions of the United States.

**Transaction**

An action or set of actions relating to the conduct of business, consumer, or commercial affairs between two or more persons, including any of the following types of conduct -

- (a) The sale, lease, exchange, licensing, or other disposition of
  - (i) Personal property, including goods and intangibles,
  - (ii) Services, and
  - (iii) Any combination thereof; and
- (b) The sale, lease, exchange, or other disposition of any interest in real property, or any combination thereof.