



SAFE SIGNATURE OF DOCUMENTS

WORKING FROM HOME



There are several alternatives to sign documents even when working from home, with different degrees of security. Here are the main examples:



Electronic Signature

It is the type that includes any type of signature that is validated by electronic means. The Digital Signature is one of its types, but the term Electronic Signature is more commonly used for the others, that is, for signatures inserted in the document by other electronic means than using a digital certificate, using a token, password, authenticity validation code, etc. In these cases, authenticity verification can take place in several ways, even by geolocation at the time of signature.



Signature with Digital Certificate or Digital Signature

It is the most secure electronic signature because it uses encryption and is certified by the Brazilian Public Key Infrastructure – ICP-Brasil, with an effect similar to that of a notarization. To insert the signature the user must use a digital certificate (e-CPF) and the authenticity will be confirmed by the requirements of use of the certificate; the insertion of password is the most common one.



Digitized Signature

It consists of digitizing the already signed document or digitizing a signature affixed to a physical medium, for insertion in a digital document. It is the least secure way, both for those receiving the document, as there is no security check, and for the signature holder, who may have the image of the signature more easily used by third parties in an improper way. The validity analysis of the document will depend on additional elements (for example, if the document with the digitized signature was sent by an e-mail held by the signature's own holder).



AFTER ALL, IS IT WORTH IT OR NOT?

Any of the forms described above may be considered as valid and enforceable before the contracting parties. Regardless of the form, the signature that has been affixed to the document by means accepted by the parties as valid or accepted by the person to whom the document was submitted is considered as legitimate, as per Provisional Measure 2200-2, of 08/04/2001.

There is precedent in the STJ discussing the enforceability of a digitally signed contract, when the Court understood that the means of certifying the signature would be sufficient to make the contract enforceable, even if not included in the legal list.

Para saber mais, entre em contato com:

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