
Guidelines

Subject matter	Standards for the execution of a notarial act <i>en minute</i> using technological means
Adoption and amendments	<p>Board of Directors March 30, 2020 (CAD-50-36-3) May 15, 2020 (CAD-50-37-7) – Sections 6.2, 6.3 and 7.2 effective as of May 19 and section 5.1 effective as of May 25 June 20, 2020 (CAD-2020-2024-01-9) – Update on in-person execution (background and sections 5, 6 and 7); sections 4 and 11.2 become effective as of June 23, 2020; section 13 becomes effective as of July 17, 2020 August 12, 2020 (CAD-2020-2024-03-3) – wording changes as a result of the Order of the Minister of Justice on September 1st, 2020; article 8b) and section 9 effective on September 28th, 2020. September 30th, 2020 – Adjustments for the use of videoconferencing and removal of the audit log requirement for certified true copy of a technology-based notarial act. October 19, 2020 - Adjustments for locating technology-based notarial act to indicate the project name given to the act in ConsignO Cloud-CNQ.</p>

Background

In the context of the current public health emergency related to the COVID-19 virus, the Minister of Health and Social Services, under the *Public Health Act*¹, authorized the Chambre des notaires, by [Ministerial Order 2020-010](#) of March 27, 2020, to establish standards² so that a notary can remotely close a **notarial act *en minute*** using a technological medium (“**technology-based notarial act**”). Then, on August 31st, 2020, this authorization was put forward by Order 2020-4304 of the Minister of Justice under article 5.1 of the *Act Respecting the Ministère de la Justice*³ (see full text below). This authorization expires on September 1st, 2021 but may be renewed up to five times for a period of one year.

These are exceptional measures to ensure increased public access to notarial services. They supplement the existing laws that usually apply.

Excerpt from the Order of the Minister of Justice

¹CQLR, c. S-2.2

²Covering all of the items mentioned in section 98 of the *Notaries Act* (CQLR, c. N-3), also referred to as “N-3.”

³CQLR, c. M-19

“THAT a notary be authorized to close, including remotely, a notarial act *en minute* using technological means, on the following conditions:

- (1) the officiating notary must be able to see and hear each party;
- (2) each party or intervenor must be able to see and hear the officiating notary;
- (3) where the context requires, the witnesses must be able to see and hear the parties and the officiating notary;
- (4) the signatories and the officiating notary must be able to see the notarial act or, as applicable, the part of the notarial act concerning them;
- (5) the signatories other than the notary must affix their signature using technological means enabling them to be identified and confirming their consent;
- (6) the notary must affix his or her official digital signature;

THAT a notary using technological means be required to ensure the integrity and confidentiality of the documents shared and the process leading to the signing of the notarial act, and be also required to maintain the integrity of the notarial act throughout its life cycle, in particular for the purpose of ensuring its preservation;

THAT the board of directors of the Ordre des notaires du Québec be able to establish and publish, on the Order’s website, any other of the standards provided for in section 98 of the *Notaries Act* (chapter N-3), to the extent that the standards concern such a notarial act until a regulation establishing such standards is made under this section.

THAT the standards established by the board of directors of the Ordre des notaires du Québec under Order number 2020-010 of the Minister of Health and Social Services dated 27 March 2020 be deemed to have been established under this Order.”

These guidelines apply both to the execution of a technology-based notarial act in the physical presence of a notary (hereafter referred to as “in-person”) or remotely by videoconference (hereafter referred to as “remotely”).

Given the urgency of the situation, the process requires the use of a number of technological means that are not fully integrated into a single application. Consequently, it will be necessary to be patient and to understand the various steps to be completed in order to execute a technology-based notarial act during this period. Please note that in addition to these guidelines, support tools will be made available to you.

The approved application for executing a technology-based notarial act is the Notarius ConsignO Cloud tool **developed specifically for closing technology-based notarial acts** (hereinafter referred to as “ConsignO Cloud-CNQ”).⁴

⁴ <https://notaire.consigno.com/>

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1. Recommendations and risk management

Before executing a technology-based notarial act, you must first read these guidelines. If you are unfamiliar with the recommended technological means, we suggest that you test them with a colleague or members of your staff before using them with your clients.

In addition, please continue to be extremely vigilant with respect to the following risks and adapt your practices to the use of technological means:

- Fraud
- Identity theft
- Undue influence and captation
- Coercion
- Incapacity to perform a juridical act
- Uninformed consent (in particular in the case of a person who has not expressed that he or she has not had sufficient opportunity to ask questions or seek clarification, because he or she is vulnerable due to the use of technology).

To manage these risks, in addition to the standards presented below, the following is recommended:

- For a signatory who is unfamiliar with the use of technology, schedule a videoconference session prior to the signing session to explain the process and provide reassurance.
- **Great care is required for wills, protection mandates and powers of attorney.** If you have the slightest doubt about the influence of a third party, or if you cannot confirm that the testator is alone when that is what you require, you should refrain from remotely closing the act.
- You must be particularly attentive to persons who may try to take advantage of the ongoing crisis to commit illegal acts, in particular through the malicious use of technology, the use of false identity documents or misrepresentation. Tips to help you can be found in the

Federation of Law Societies of Canada’s publication called [“Risk Advisories for the Legal Profession.”](#)

- When remotely closing a technology-based notarial act, confirm with the parties that they have understood on more than one occasion, and give them opportunities to ask questions.

2. Professional service contract

Agree with the client on the technological means that will be used to execute the technology-based notarial act (videoconference, electronic signature, etc.) and set this information down in your professional service contract. Also, determine the email address that the client will use and the shared secret code or password that may be used during your exchanges.

3. Secure exchange of documents

To exchange technological documents securely with your client, you must use one of the secure applications approved by the Chambre. The list is available at <https://inforoute.cdnq.org/prive/services-membres/services-offerts/encadrement-numerique/>.

4. Mandatory nomenclature of the draft act in ConsignO Cloud-CNQ

In order to easily locate a technology-based notarial act in ConsignO Cloud-CNQ and the corresponding notary file, the name of the draft act in ConsignO Cloud-CNQ **must**, as of June 23, 2020, begin in the following manner:

NotaryCode_FileNumber_Minute **OR** NotaryCode_PartyNames_Minute

The insertion of the word “Minute” in the name of the draft act is intended to distinguish it from acts under private signature that can also be signed through ConsignO Cloud-CNQ (for example, adjustments and disbursements as part of a sale). The word “Minute” may or may not be followed by the minute number insofar as this number is known at the time the signatures are affixed to the technology-based notarial act.

5. Closing a technology-based notarial act in person

5.1. Summary of the steps leading to the closing of the act

- a) Prepare your file and the draft act as usual, and name the draft act as provided for in the section entitled [“Mandatory nomenclature of the draft act in ConsignO Cloud-CNQ.”](#)
- b) Call the parties to schedule an in-person meeting and confirm that technological means will be used. Verify that the parties can meet the technical requirements.
- c) Prepare the act in ConsignO Cloud-CNQ (see the section entitled [“Signature and closing of a technology-based notarial act with ConsignO Cloud-CNQ”](#)).
- d) During the meeting, verify the identity and capacity of the parties.
- e) Fulfill your duty to advise by going through the notarial act displayed on the screen with the client.
- f) Perform the signature step in ConsignO Cloud-CNQ.
- g) Register the act in your repertory and index.
- h) If you wish, you may download the act and the signature log from ConsignO Cloud-CNQ to your environment (your office management software or other).

- i) Prepare a certified copy of the act, if necessary (see the section entitled "[Certified true copy of a technology-based notarial act](#)").

5.2. Technical requirements for an officiating notary

In order to close a technology-based notarial act **in person**, you must have the following technological means at your disposal:

- Your official digital signature.
- The ConsignO Cloud-CNQ software.
- A reliable internet connection.

5.3. Technical requirements for a party, an intervenor or a witness

Persons other than the notary who must sign the technology-based notarial act **in person**, whether a party, intervenor or witness (hereinafter referred to as a "**signatory**"), must have the following:

- A personal (not shared) email address.
- A computer, tablet or smartphone with which they can receive and read their emails.
- A cellular telephone in order to receive a second authentication factor code.

Note: You may make such equipment available to the signatories, but you must apply appropriate hygiene measures.

6. Closing a technology-based notarial act remotely

6.1. Summary of the steps leading to the closing of the act

- a) Prepare your file and the draft act as usual, and name the draft act as provided for in the section entitled "[Mandatory nomenclature of the draft act in ConsignO Cloud-CNQ.](#)"
- b) Call the signatories to confirm that technological means will be used and schedule the videoconference. Verify that the parties can meet the technical requirements.
- c) Schedule the videoconference date with Teams.
- d) Prepare the act in ConsignO Cloud-CNQ (see the section entitled "[Signature and closing of a technology-based notarial act with ConsignO Cloud-CNQ](#)").
- e) Start the videoconference with Teams.
- f) Verify the signatories' identity and capacity, and whether confidentiality can be maintained.
- g) Fulfill your duty to advise by going through the notarial act displayed on the screen.
- h) Start the signature step in ConsignO Cloud-CNQ.
- i) Register the act in your repertory and index.
- j) If you wish, you may download the act and the signature log from ConsignO Cloud-CNQ to your environment (your office management software or other).
- k) Prepare a certified copy of the act, if necessary (see the section entitled "[Certified true copy of a technology-based notarial act](#)").

6.2. Technical requirements for an officiating notary

In order to **remotely** close a technology-based notarial act, you must have the following technological means at your disposal:

- Your official digital signature.

- The Notarius ConsignO cloud-based tool **developed specifically for closing technology-based notarial acts**, ConsignO Cloud-CNQ.
- A reliable internet connection.
- The Microsoft Teams videoconferencing application included with Office 365 Business Basic or Business Standard.⁵ No videoconferencing application other than Teams is accepted.
- A computer running a Windows or macOS operating system, equipped with a microphone and camera. If your computer does not have a microphone or camera, you may use a smartphone or tablet.

6.3. Technical requirements for a signatory

Signatories must have the following:

- A personal (not shared) email address.
- A computer, tablet or smartphone with which they can receive and read their emails.
- The computer, tablet or smartphone **must be equipped with a camera**.
Note: If the signatory's computer does not have a camera, he or she must also use a smartphone or tablet with a camera.
- A cellular telephone or landline in order to receive a second authentication factor code.
- Headphones or a headset with a microphone for confidentiality if the client is not in an isolated area.
- An internet connection.
- Use of the desktop version of Microsoft Teams application, which is available free of charge (the web version does not allow adequate screen and video sharing at the same time).

6.4. Videoconference (Microsoft Teams)

6.4.1. Interview

One or more videoconference meetings may be necessary to complete a mandate, depending on its nature, the number of clients and their availability. For confidentiality reasons, **it is forbidden** to record videoconferences.

6.4.2. Verification of the client's identity and capacity.

The interview in which you will verify a client's identity and capacity in order to remotely close a technology-based notarial act must be conducted by videoconference.

Recording the videoconference is prohibited for reasons of confidentiality. Screen captures are not recommended, but if you decide to take one, you must ensure that it is kept in a secure location using one of the applications approved by the Chambre (see Secure exchange of documents).

⁵ Prior to April 21, the versions were called Office 365 Business Essentials or Business Premium, respectively. This is the only application that meets the Chambre's required security standards: Technological documents, audio conversations, images and instant messages are encrypted at rest and in transit; the data is hosted in Canada; technical support for installation in case of a problem and training tools (procedures, webinars) are available; and the application is free for clients and easy for them to use.

- a) Identity verification must be carried out as follows: In addition to the items that are normally required, document the circumstances that warrant the use of technological means in your file.⁶
- b) As a first step, ask the client to send you a copy of two pieces of valid identification, one of which must have a photo. These must be sent using one of the applications approved by the Chambre (see Secure exchange of documents). Keep copies in the file as proof of your verification and the validity of the identification documents presented. In the current context, it is recommended to require additional identification documents to proceed with your verification, in particular if you are dealing with a new client.
- c) You can also validate a driver's licence online at: <https://saaq.gouv.qc.ca/en/online-services/citizens/checking-validity-drivers-licence/>
- d) During the interview, ask the client to present the same pieces of identification. Compare the pieces of identification against those previously sent to you. Pay special attention to the optically variable feature, colour-shifting ink or hologram on the identification that you can see in the camera by asking the client to tilt it under the light.
- e) Document the validation made for the pieces of identification in the file.

It is up to you to decide whether these verifications are satisfactory or not. You may use any additional means that you deem necessary to satisfy your obligation to verify the client's identity and capacity.

Verify the client's capacity by the usual means.

6.4.3. Verifications to make at the beginning of a videoconference

At the beginning of a videoconference, you must ensure that you take the following precautions:

- a) Your computer must be in a location that guarantees that the videoconference will be confidential.
- b) Open all documents and tools needed to remotely close the technology-based notarial act on your computer. Doing so will make it possible to quickly share your screen during a videoconference.
- c) Close all documents and tools that you don't need to remotely close the technology-based notarial act on your computer in order to avoid involuntary disclosures of personal or confidential information or of information covered by professional secrecy.
- d) Each participant must activate the microphone, speakers and camera on his or her device. Ensure that each participant sees and hears all the parties involved.
- e) The videoconference must be conducted in complete confidentiality. First, ask your client if he or she is alone in the room, and instruct him or her to scan the room with his or her camera so that you can corroborate this statement. The client may wish to be accompanied, especially if he or she is insecure about the use of technology. If the client is accompanied, obtain his or her consent to proceed in the presence of other persons. It goes without saying that you are in control of the session—do not hesitate to ask anyone to leave the room if you deem it necessary.
- f) The use of a headset can help to ensure that the videoconference takes place in complete confidentiality.
- g) In the case of a videoconference for the purpose of signing a will, determine whether the testator wishes that his or her witness be present for its reading or only for its closing.

⁶ Regulation respecting the keeping of records and consulting offices by notaries, CQLR, c. N-3, r. 17, a. 4–9, available in French only.

6.4.4. During the reading and closure of the act

- a) Conduct the signature interview videoconference according to the above instructions.

Reminder: Both the signatories and the notary must be able to see the act. You can ensure that the signatories see it either by sharing your screen or sending them the act beforehand by a secure means.

- b) Start the signature step in ConsignO Cloud-CNQ.

- c) Proceed with the signature step: Each signatory accesses ConsignO Cloud CNQ and applies his or her electronic signature. **You must see the signatory take the necessary steps to affix his or her electronic signature to the remotely executed technology-based notarial act.**

Note: Remember to include the witness in the videoconference if he or she was not initially present, so that he or she can see the client sign the technology-based notarial act and sign it in turn.

- d) Apply your official digital signature in ConsignO Cloud-CNQ in the presence of the client so that he or she can see you do so.

Note: In accordance with N-3 section 98, your seal must not be affixed to the technology-based notarial act.

7. Signature and closing of a technology-based notarial act with ConsignO Cloud-CNQ

7.1. Registration on the ConsignO Cloud-CNQ platform

Before you can proceed with the signing of a technology-based notarial act, you must be registered on the Notarius ConsignO Cloud-CNQ platform, **developed specifically to meet the special requirements relative to technology-based notarial acts.** In other words, to execute a technology-based notarial act, you cannot use another ConsignO Cloud account created previously.

7.2. Prepare the technology-based notarial act and upload it to ConsignO Cloud-CNQ

- a) Complete the final version of the act in **Word** format as follows:

- o Do not indicate the date at the beginning of the act or the minute number. You will enter this information in the fields provided for this purpose in ConsignO Cloud-CNQ.⁷
- o It is not necessary to set margins. Letter (8 ½ x 11) or legal (8 ½ x 14) sizes are acceptable.
- o The final version may not contain any crossed-out text, nor blanks to be filled in.
- o Use the following basic wording referring to the Ministerial Order for the closure of the act. Make the necessary adaptations, if required (e.g. reading exemption, one party signs remotely, the other in person, etc.):

DONT ACTE à⁸

⁷ They may be added to your word processing software beforehand, but it is the notary's responsibility to ensure the accuracy of the information on the act (particularly compliance with the serial numbering of the minute and the dates) before signing.

⁸ In the case where the technology-based notarial act is closed remotely, this is the city where the notary signs. According to the third paragraph of section 50 of N-3, "an act executed in a medium other than paper may be signed by the parties and the witnesses in the notary's absence and the notary, in such a case, is not required to sign the act at the place of signing by the last party to do so." Consequently, the closing location that must appear on the technology-based notarial act is the city where the notary is physically located when he or she affixes his or her official digital signature.

LE [date] (laisser vide)

SOUS le numéro (laisser vide)

des minutes du notaire soussigné.

***** For acts closed until August 31st, 2020*****

LECTURE FAITE, la (les) partie(s) déclare(nt) accepter l'utilisation de procédés technologiques pour clore le présent acte tel qu'autorisé par l'arrêté 2020-010 de la ministre de la Santé et des Services sociaux daté du 27 mars 2020, [le cas échéant : identifie(nt) et reconnaît(ssent) véritables les annexes], puis signe(nt) [le cas échéant : à distance] en présence [le cas échéant : physique] du notaire soussigné.

***** For acts closed as of September 1st, 2020 ***⁹**

LECTURE FAITE, la (les) partie(s) déclare(nt) accepter l'utilisation de procédés technologiques pour clore le présent acte tel qu'autorisé par l'arrêté 2020-4304 du ministre de la Justice daté du 31 août 2020, [le cas échéant : identifie(nt) et reconnaît(ssent) véritables les annexes], puis signe(nt) [le cas échéant : à distance] en présence [le cas échéant : physique] du notaire soussigné.

WHEREOF ACT at

ON [date] (leave blank)

UNDER number (leave blank)

of the original minutes of the undersigned Notary.

***** For acts closed until August 31st, 2020*****

AND AFTER DUE READING HEREOF, all parties declared having consented to the use of technologies to execute these presents as authorized by Order 2020-010 of the Minister of Health and Social Services dated March 27, 2020, [all annexes thereof identified and acknowledged as true] and signed [remotely] in the [physical] presence of the undersigned Notary."

***** For acts closed as of September 1st, 2020***¹⁰**

AND AFTER DUE READING HEREOF, all parties declared acceptance of the use of technologies to execute these presents as authorized by Order 2020-4304 of the Minister of Justice dated August 31, 2020, [as the case may be: identified and acknowledged as true

⁹ A time limit is provided until September 30, 2020, to notaries who have not changed the wording of the closing of their acts to refer to the Order 2020-4304 of the Minister of Justice as of September 1st, 2020. Thus, technology-based notarial acts closed between September 1st and 30th, 2020, inclusively, which will refer to Order 2020-010 of the Minister of Health and Social Services, cannot be invalidated for this reason alone.

¹⁰ See note 9.

all annexes thereof] and signed [as the case may be: remotely] in the [as the case may be: physical] presence of the undersigned Notary.

- o Allow sufficient space to record the minute number and write it out in full, and to add the boxes for the signatories' electronic signatures.
- b) Upload this Word file to ConsignO Cloud-CNQ. It will be automatically converted to PDF/A format. A project must only contain a notarial act and its annexes.
- c) Upload annexes into ConsignO Cloud, if any. Regardless of their format, they will be converted to PDF/A. It is not necessary to make the customary entries on each annex as the act will be labelled upon closing.¹¹
- d) Perform the following steps in ConsignO Cloud-CNQ:
 - o Insert the text fields for the date, minute number and signatures. The person responsible for the text fields must be the notary.
 - o Upon adding signatories, the "trusted electronic signature" option must be used for the parties, witnesses and intervenors, while the "CertifiO digital signature"¹² option must be used for the officiating notary.
 - o Determine the order of signature of the signatories (this may be different from the order in which they appear in the act). The notary must be the last one to sign in order to duly close the act.
 - o Save the project. Do not start the signing step before the act has been read in full.

8. Formalities once the technology-based notarial act is closed

- a) End the interview by agreeing with the client on the medium preferred to send him or her the certified copy of the technology-based notarial act and how it will be sent.
- b) Complete the formalities for receipt of the act: entry in the repertories (see the section entitled "[Locating a technology-based notarial act](#)") and in the index by indicating in the repertory on paper and, from September 28th, 2020 onwards, in the index that the record (minute number X) was received by technological means¹³.
- c) Do not print the technology-based notarial act to file it in your records on paper. However, you may insert a marker to indicate that the missing record (minute number X) was executed by technological means.
- d) If necessary, proceed with the registration of the act in the land register according to the usual procedure using the final version in Word format. **Remember to enter the date of the act and its minute number before registration.**

9. Locating a technology-based notarial act

Since September 28th, 2020, each notary receiving technology-based notarial acts must also keep a technology-based repertory of these acts ("**technological repertory**").

The technological repertory is not a substitute for the paper-based repertory, but rather a complement to it. The notary must continue to keep his or her repertory on paper and enter in it all the notarial acts *en minute* he or she receives, taking care to specify the medium of those that are technological.

¹¹ These entries are not required, as all digitally affixed signatures will be affixed to the entire document, including the annexes.

¹² This is the notary's official digital signature.

¹³ The notary must report in the index the technological medium of the acts closed between the initial adoption of these standards and the effective date of this obligation no later than December 28th, 2020.

The technological repertory must:

- Contain the following elements:
 - the code of the notary concerned
 - for each technology-based notarial act, the minute number, the date of the act, the names of the parties, the file number (if the notary assigns such a number to his or her files) as well as
 - if applicable, the publication number of the act in the land register or the RPMRR
 - the project name given to the act in ConsignO Cloud-CNQ.
- It is not mandatory to include the nature of the act in the technological repertory, although this is strongly recommended;
- Be accompanied by an extensive search function to locate the items listed in the previous point;
 - Allow transfer to another medium (paper or other);
 - Be completed as soon as the technology-based notarial act is closed.

A model technological repertory is available on the [Inforoute notariale](#).

The notary must keep his or her technological repertory in such a way as to ensure its availability, integrity and confidentiality, in accordance with the *Règlement sur la tenue des dossiers et des études de notaires* (Regulation respecting the keeping of records and consulting offices by notaries) (c. N-3, r. 17). The notary must also keep a back-up copy in a place other than the place where the original is kept and which complies with the above-mentioned regulations.

Technology-based notarial acts closed between the initial adoption of these standards and the effective date of the obligation to maintain a technological repertory must be included in the technological repertory no later than December 28th, 2020.

10. Retention of a technology-based notarial act

10.1. Act executed in ConsignO Cloud-CNQ

Once closed, the technology-based notarial act and its audit logs are stored in ConsignO Cloud-CNQ.

You can download a copy of the technology-based notarial act to your electronic folder. You must also comply with all professional regulations and ensure the act's integrity and confidentiality throughout its life cycle.

10.2. Act executed in another ConsignO Cloud platform

If you inadvertently executed a technology-based notarial act in another ConsignO Cloud platform (such as ConsignO Cloud Business) but have complied with all these standards, you must migrate the technology-based notarial act (including its annexes) along with its audit log to ConsignO Cloud-CNQ. In order to perform this operation,¹⁴ you must:

- a) From the other ConsignO Cloud platform, download (section 14 of the procedure⁹) the act and its audit log and save these documents on your network drive or computer.
 - If your act has annexes, a compressed file containing both the act and its annexes will appear on your computer when you download the signed document. The documents in the compressed file must be extracted by dragging the files to the desktop (or a sub-folder) to separate them individually.

¹⁴ As needed, refer to [ConsignO Cloud-CNQ Platform – Procedure for Quebec notaries](#), available (in French only) on Inforoute notariale/Acte technologique. The section number of the procedure associated with the operation is indicated in parentheses.

- b) Sign in to ConsignO Cloud-CNQ **Error! Hyperlink reference not valid.**and:
- o Create a new project (section 3 of the procedure⁹) and name it “Result of ConsignO platform transfer_minute number (insert number).”
 - o Upload the act, the annexes (if any) and the audit log (sections 4 and 13 b of the procedure⁹).
 - o Insert two text fields in the act (one for the migration date and one for the note above) and a signature field (sections 5 and 6 of the procedure⁹).
 - o Group together the text and signature fields (section 7 of the procedure⁹).
 - o Open the project for the signature (section 10 of the procedure⁹).
 - o In the text field, type: “True copy of the undersigned’s act, the integrity of which has been ensured, migrated to the proper ConsignO Cloud platform pursuant to the standards of the Chambre des notaires.”
 - o Enter the current date in the date field.
 - o Affix your official digital signature.
- c) You can now delete the act (and its annexes, if any) as well as the audit log from the other ConsignO Cloud.

11. Certified true copy of a technology-based notarial act

A certified true copy of the technology-based notarial act may be made in one of the ways described below. It is important to confirm with the recipient what medium will be used before sending a copy.

11.1. Certified true copy mention

The mentions to be added are as follows:

***** Until August 31st, 2020 *****

« Copie certifiée conforme de l’acte notarié technologique reçu pendant la période d’état d’urgence sanitaire décrétée par le gouvernement du Québec et dont j’assure la conservation. »

“True copy of the technology-based notarial act executed during the public health emergency declared by the Government of Québec, which I am retaining.”

***** Starting September 1st, 2020***¹⁵**

« Copie certifiée conforme de l’acte notarié technologique que j’ai reçu tel qu’autorisé par l’arrêté 2020-4304 du ministre de la Justice daté du 31 août 2020 et dont j’assure la conservation. »

“True copy of the technology-based notarial act executed before me as authorized by Order 2020-4304 of the Minister of Justice dated August 31, 2020, and of which I ensure preservation.”

For mentions associated with assignees of notarial records, see section 12.2.

¹⁵ A time limit is provided until September 30, 2020, to notaries who have not changed their certified true copy mentions to refer to the Order 2020-4304 of the Minister of Justice as of [effective date of the Ministerial Order]. Thus, certified true copies issued between the September 1st and September 30th, 2020, inclusively, which will refer to Order 2020-010 of the Minister of Health and Social Services, cannot be invalidated for this reason alone.

11.2. Certified true copy on a technological medium

A certified true copy of a technology-based notarial act on technological medium may only be made through the ConsignO Desktop application.¹⁶

11.2.1. Creating a signature appearance

You must start by creating a signature appearance that may be reused each time you need to produce a certified true copy.

Refer to [section 4 – Signature and Stamping of Documents/Signature appearance creation wizard](#) of the ConsignO Desktop User Guide for detailed instructions.

- a) From the Edit or Preferences menu, choose *Signature Appearance Wizard*
- b) Click on *Add*
- c) Choose the *From a scanned image* import mode: You can import an image of your handwritten signature or name in print. The file must be in PDF or image format to upload it to the application.
- d) Complete the three steps by following the instructions on the screen¹⁷.
- e) Step 1/3 - *Crop your image*: Frame your signature with more space at the top than around and under it.
- f) Step 2/3 - *Choose the image of your signature appearance*
- g) Step 3/3 - *Save your signature appearance*:
 - o Fill out the *Name of Signature Appearance* field by entering *NotaryName-Certified Copy*.
 - o Check the *Display the signing date on this appearance* box. You may change the position and font by clicking the *Adjust Position* button.
 - o Check the *Display the signature reason on this appearance* box.
 - o Check the *Display custom text on this appearance* box. Click on the *Edit text and adjust the position* button. In the window that appears, copy **the appropriate certified true copy mention**. Change the font and font size as required. In the bottom part, draw the zone where you want the copy mark to appear and adjust as necessary.
 - o Check *Default appearance*
 - o Click on *Save*.

11.2.2. OPTION 1 (PREFERRED) – From the original

- a) From ConsignO Cloud-CNQ, download the notarial act you wish to work on and save it to your work environment. Given that a signed technology-based notarial act contains confidential information required at the time of signing (e.g. the client's cellular telephone number, personal email, etc.), you must produce a copy of the act.
- b) From your work environment, open the notarial act you wish to work on in a PDF reader application (e.g. Adobe Acrobat Reader DC).
- c) Print a PDF version and save it to your work environment. To differentiate this document from the original act, add the mention "Certified copy" to the document name.
- d) From the ConsignO Desktop application, open the document you wish to work on (three possible ways, see [section 2 of the ConsignO Guide – Presentation of the ConsignO Desktop Interface/Open, close and save documents](#)).

¹⁶ The ConsignO Desktop application is included in the Notarius digital signature subscription.

¹⁷ Note that at this stage, you may need to perform a few tests before obtaining the desired effect (size, layout).

- e) Convert to PDF/A format, if required.
- f) Create a signature zone (see [section 4 of the ConsignO Guide – Signature and Stamping of Documents/Signature zones](#)). We suggest placing this zone on the first page of the document.
- g) Sign the document by double-clicking in the signature zone.
 - o Select *Visible signature* under *Type of signature to apply*.
 - o Select your official digital signature in the *Signature Certificate* field under *Signature Options*.
 - o Select *Overwrite initial file* under *Save options*.
 - o Check *Certify* and *Allow no further modifications* under *Advanced Options*.
 - o Click *Sign*.

If your act has annexes, a compressed file containing several PDFs, one for the act and one for each annex, will be saved when you download it to your environment.

- a) Perform steps b) and c) above.
- b) Open the ConsignO Desktop application and select the applicable PDFs in the right-hand part.
- c) Right-click, select *Merge Documents*, and place the documents in order.
 - o Check *Convert merged document to PDF/A-1b*.
 - o Click *Finish*.
 - o Save the merged document to your work environment. To differentiate this document, add *Certified copy* and any other mention you deem useful to the document name.
- d) From the ConsignO Desktop application, open the document you wish to work on (three possible ways, see [section 2 of the ConsignO Guide – Presentation of the ConsignO Desktop Interface/Open, close and save documents](#)).
- e) Convert to PDF/A format, if required.
- f) Create a signature zone (see [section 4 of the ConsignO Guide – Signature and Stamping of Documents/Signature zones](#)). We suggest placing this zone on the first page of the document.
- g) Sign the document by double-clicking in the signature zone.
 - o Select *Visible signature* under *Type of signature to apply*.
 - o Select your official digital signature in the *Signature Certificate* field under *Signature Options*.
 - o Select *Overwrite initial file* under *Save options*.
 - o Check *Certify* and *Allow no further modifications* under *Advanced Options*.
 - o Click *Sign*.

11.2.3. OPTION 2 – Using the final version of the act in Word format

- a) Convert the final Word version of the notarial act to PDF format.
- b) From the ConsignO Desktop application, open the document you wish to work on (three possible ways, see [section 2 of the ConsignO Guide – Presentation of the ConsignO Desktop Interface/Open, close and save documents](#)).
- c) Convert to PDF/A format, if required.
- d) Create a signature zone (see [section 4 of the ConsignO Guide – Signature and Stamping of Documents/Signature zones](#)). We suggest placing this zone on the first page of the document.

- e) Sign the document by double-clicking in the signature zone.
- f) Select *Visible signature* under *Type of signature to apply*.
- g) Select your official digital signature in the *Signature Certificate* field under *Signature Options*.
 - o Select *Overwrite initial file* under *Save options*.
 - o Check *Certify and Allow no further modifications* under *Advanced Options*.
 - o Click *Sign*.

Notes:

- In accordance with N-3 section 98, your seal must not be affixed to the certified true copy. It is recommended to mention this to the recipient before the act is sent.
- Inform the client that when a certified true copy stored on a technological medium is printed, it loses its authenticity.

Important: Once digitally signed, the certified true copy must be sent to the person authorized to receive it through a secure exchange medium (see our [Solutions de partage sécurisées](#) available on the Inforoute notariale).

12. Certified true copy on paper

A certified true copy on paper can be made in one of the following ways:

12.1. OPTION 1 – From the original

- From the ConsignO Cloud platform, print the technology-based notarial act signed by all parties and the notary.
- Affix your seal and official handwritten signature to it.
- Fill out the following documentation form¹⁸, print it, affix your seal and official handwritten signature, and attach it to the paper printout:

Documentation form for printing (sec. 17 AELFIT)

Date of printing	
Type of source document	Technology-based notarial act executed by [name of notary], Notary, on [date] under minute number [number] of [his/her] records.
Source document format	PDF/A
Has the document metadata been printed?	No
Has the source document been destroyed?	No
Quality and quantity control of the information in the reproduced document	Completed
Printer used (brand, model)	

¹⁸ The French version of this documentation form is available in the French version of these guidelines.

Guarantee of the process for ensuring integrity	By default: printer

I, _____, Notary, declare under my professional oath that the aforementioned source document is identical to the one that I executed by technological means on [date] under minute number [number] of my records, that I have ensured its integrity and that the information provided in this form is accurate. I am authorized by Order 2020-4304 of the Minister of Justice dated August 31, 2020,¹⁹ to issue the appended certified true copy under my signature.

Date: _____

Official signature: _____

(Seal)

- Make a copy of the signed documentation form for your file.
- Send the certified copy and the documentation form to the signatory by mail.

12.2. OPTION 2 – From the Word document

- Add the date and minute number written on the original to the final version of the act in **Word** format.
- Add one of the mentions in the section entitled “[Certified true copy mention](#)” to the final version of the act in **Word** format, after your signature.
- Proceed in the usual way for the other steps.

13. Surrender, assignment, provisional custody and mandate for the issuance of certified true copies of technology-based notarial acts

13.1. Surrender

The surrender of technology-based notarial acts is suspended. A notary may consider assigning their notarial records as an alternative.

13.2. Assignment

Legal depositary: the assignee notary

- The [rules that apply to the assignment of notarial records](#) containing notarial acts executed on paper apply to the assignment of technology-based notarial acts, with the necessary adaptations.
- Notarial acts must be assigned on the medium on which they were originally executed (paper or technology-based).
- The assignment may be total or partial, but in the latter case, only if it relates to a consecutive series of acts executed by the assignor in a specific period of professional activity.
- Technology-based notarial acts and notarial acts executed on paper must be assigned to the same assignee notary. In other words, it is forbidden to assign one’s notarial acts to different assignees according to the medium on which they were executed.

¹⁹ See note 9.

- The assignment of notarial acts, regardless of their medium, may not be combined with a surrender.
- The act attesting to the assignment of notarial records *en minute* must mention that technology-based notarial acts are included in the assigned notarial records, where applicable.
- The notarial record log must contain a declaration by the assignee to the effect that:
 - They have or don't already have access to the technology-based notarial acts saved in an office management software or any other system approved by the Chambre, which must be specified;
 - They ask that the Chambre give them access to the technology-based notarial acts in ConsignO Cloud-CNQ, and that they undertake to inform the Chambre of any missing technology-based notarial act within 30 days after the access has been granted; and
 - Where appropriate, that the assignment relates to a consecutive series of acts executed by the assignor in a specific period of professional activity.

Where applicable, an assignee of notarial records issuing a copy of a technology-based notarial act must include the following mention:

***** Until August 31st, 2020*****

« Copie certifiée conforme de l'acte notarié technologique reçu par [nom du notaire], notaire pendant la période d'état d'urgence sanitaire décrétée par le gouvernement du Québec et dont je suis cessionnaire aux termes d'une décision du Secrétaire de la Chambre des notaires, en sa qualité de représentant du conseil d'administration [ou, le cas échéant : du conseil d'administration de la Chambre des notaires], rendue le [date]. »

"True copy of the technology-based notarial act executed before [name of notary], notary, during the public health emergency period ordered by the Government of Québec and of which I am the assignee in virtue of a decision of the Secretary of the Chambre des notaires, in her capacity as representative of the board of directors [or, as the case may be: the Chambre des notaires' board of directors], rendered on [date]."

***** Starting September 1st, 2020***²⁰**

« Copie certifiée conforme de l'acte notarié technologique reçu par [nom du notaire], notaire tel qu'autorisé par l'arrêté 2020-4304 du ministre de la Justice daté du 31 août 2020 et dont je suis cessionnaire aux termes d'une décision du Secrétaire de la Chambre des notaires, en sa qualité de représentant du conseil d'administration [ou, le cas échéant : du conseil d'administration de la Chambre des notaires], rendue le [date]. »

"True copy of the technology-based notarial act executed before [name of notary], notary, as authorized by Order 2020-4304 of the Minister of Justice dated August 31, 2020, and of which I am the assignee in virtue of a decision of the Secretary of the Chambre des notaires, in her capacity as representative of the board of directors [or, as the case may be: the board of directors of the Chambre des notaires], rendered on [date]."

13.3. Provisional custody

Legal depositary: a provisional custodian notary employed by the Chambre des notaires or a provisional custodian external to the Chambre

²⁰ See note 15.

- The rules that apply to the provisional custody of notarial acts executed on paper apply to the provisional custody of technology-based notarial acts, with the necessary adaptations.
- Provisional custody must be exercised over notarial acts according to the medium they were originally executed on (paper or technology-based).
- Technology-based notarial acts and notarial acts executed on paper must be placed in the custody of the same provisional custodian. In other words, it is forbidden to give a provisional custody mandate to more than one provisional custodian according to the medium on which the notarial acts were executed.
- When provisional custody takes effect, the Chambre will grant the custodian access to the technology-based notarial acts in ConsignO Cloud-CNQ.
- A provisional custodian of notarial records issuing a copy of a technology-based notarial act must include the following mention:

***** Until August 31st, 2020 *****

« Copie certifiée conforme de l'acte notarié technologique reçu par [nom du notaire], notaire pendant la période d'état d'urgence sanitaire décrétée par le gouvernement du Québec et dont je suis gardien provisoire tel qu'il appert d'un ordre du président [ou, le cas échéant : du Conseil d'administration] de la Chambre des notaires en date du [date]. »

“True copy of the technology-based notarial act executed before [name of notary], notary, during the public health emergency period declared by the Government of Québec and of which I am the provisional custodian by order of the president [or, as the case may be, the board of directors] of the Chambre des notaires, on [date].”

***** Starting September 1st, 2020 ***²¹**

« Copie certifiée conforme de l'acte notarié technologique reçu par [nom du notaire], notaire tel qu'autorisé par l'arrêté 2020-4304 du ministre de la Justice daté du 31 août 2020 et dont je suis gardien provisoire tel qu'il appert d'un ordre du président [ou, le cas échéant : du Conseil d'administration] de la Chambre des notaires en date du [date]. »

“True copy of the technology-based notarial act executed before [name of notary], notary, as authorized by Order 2020-4304 of the Minister of Justice dated August 31, 2020, of which I am the provisional custodian by the order of the president [or, as the case may be: the board of directors] of the Chambre des notaires granted on [date].”

13.4. Mandate for the issuance of certified true copies

The mandatory notary

- The rules that apply to mandates for notarial acts executed on paper apply to mandates for technology-based notarial acts, with the necessary adaptations.
- Mandates must be exercised over notarial acts according to the medium they were originally executed on (paper or technology-based).
- A mandate for notarial acts executed on paper and technology-based notarial acts must be given to the same mandatory. In other words, it is forbidden to give a mandate to issue

²¹ See note 15.

certified true copies to more than one mandatary according to the medium on which the notarial acts were executed.

- Given that ConsignO Cloud-CNQ does not allow concurrent access to a mandating notary and their mandatary, it is exclusively up to the mandating notary to:
 - Ensure that the mandatary has access to the technology-based notarial acts during the term of the mandate;
 - Withdraw the mandatary's access to the technology-based notarial acts upon the expiry or revocation of the mandate;

For this purpose, the mandating notary must provide the mandatary with access to:

- The final version of the technology-based notarial acts in Word format; AND/OR
- The .PDF/A version of the technology-based notarial acts;

so that the mandatary has the ability to issue certified true copies.

A mandatary issuing a copy of a technology-based notarial act must include the following mention:

***** Until August 31st, 2020*****

« Copie certifiée conforme de l'acte notarié technologique reçu par [nom du notaire], notaire pendant la période d'état d'urgence sanitaire décrétée par le gouvernement du Québec et dont je suis mandataire en vertu du mandat reçu devant [nom du notaire], notaire, le [date], sous le numéro [numéro] de ses minutes. »

"True copy of the technology-based notarial act executed before [name of notary], notary, during the public health emergency period ordered by the Government of Québec and of which I am the attorney in virtue of the power of attorney executed before [name of notary], notary, on [date], under the number [number] of his or her notarial records."

***** Starting September 1st, 2020***²²**

« Copie certifiée conforme de l'acte notarié technologique reçu par [nom du notaire], notaire tel qu'autorisé par l'arrêté 2020-4304 du ministre de la Justice daté du 31 août 2020 et dont je suis mandataire en vertu du mandat reçu devant [nom du notaire], notaire, le [date], sous le numéro [numéro] de ses minutes. »

"True copy of the technology-based notarial act executed before [name of notary], notary, as authorized by Order 2020-4304 of the Minister of Justice dated August 31, 2020, of which I am the attorney in virtue of the power of attorney executed before [name of notary], notary, on [date], under the number [number] of his or her notarial records."

²² See note 15.