

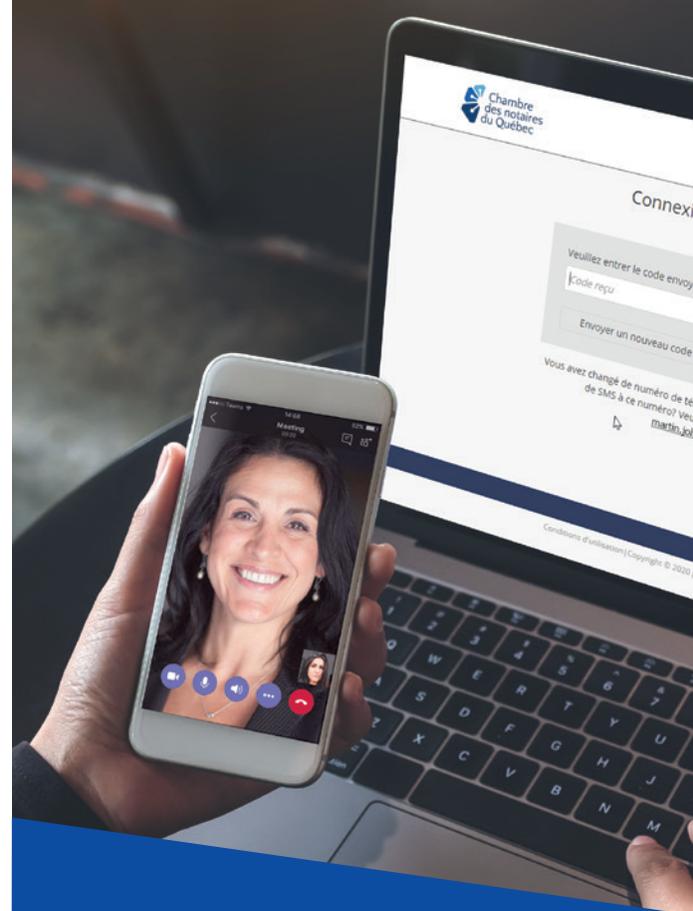
You have
the right
to foresee.

Consult your notary!
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The notary and protecting your identity

To protect yourself
and limit the risk of fraud.



The need for official identification

Will you soon be making an official transaction, finalizing your will, or completing a similar document? Your notary will surely ask you to produce two pieces of valid identification before signing any document at his office.

Why this formality?

The answer is simple: under the law, he is duty-bound to check your identity. This procedure applies to everyone, since preferential treatment cannot be given. Whether you are a long-time acquaintance or are meeting him for the very first time, his obligation remains the same: to verify your identity. The notary may question the validity of the proof of identification that you provide and require others.

The purpose of this formality – besides complying with the law – is to make absolutely certain – and official – that you are indeed the person you claim to be. It is a preventive measure that makes it difficult for someone to impersonate somebody else. It is through this step that the notary guarantees not only your own security, but that of all other parties to the contract, as the case may be. This also helps to fight against fraud, money laundering and terrorist financing.

When signing at the end of a document, the notary is certifying the validity of the contents of the deed he is witness to, including the identity of all those who sign it.

A notarized deed provides the highest degree of legal security that exists, the law has deemed it authentic. Once the document is signed, no one can call into question its contents or validity without undertaking a long and costly legal contestation. All other documents – even those signed before witnesses – have a higher likelihood of being repudiated or contested, since their evidence is deemed less reliable.

Owing to its special status under the law, a notarized deed calls for stricter formalities and more verifications than simply a written document. However, it is precisely this attention to detail and the many checks to which it is subject that makes it exceptionally safe. It will also give you peace of mind. The thorough examinations of identification papers is one of these checks.

Why keep proof of verification?

Your notary must prove that he has verified your identity. To do so, the notary may, for example, keep a copy of two pieces of identification or the information they contain on file. Also, if requested by the Chambre des notaires du Québec, the notary must be able to show concrete proof of such verification as required by law.

No need to worry! The personal information you disclose to your notary is protected from any improper use, as it is guarded by professional secrecy. Not only is the notary prohibited from using it for any purpose other than the one for which it was required, he must also ensure that employees do not disclose such information to anyone else.

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Valid proof of identity

To check your identity, your notary will require at least two pieces of identification, including one with your photograph. To be acceptable, the documents must be issued by a recognized body that has a strict issuance procedure.

In all cases, your I.D. documents must be legible and not have expired. In addition, the picture identification must present a sufficiently clear image of you to enable your recognition.

Other identification documents may be considered valid, such as certain foreign documents, but you are advised to check with your notary beforehand.

Here are some valid pieces of identification:

- ✦ Driver's licence
- ✦ Health insurance card
- ✦ Birth certificate
- ✦ Passport

Another obligation: verification of capacity

The notary is required to verify the capacity of the parties to the deed. To do so, he may ask you to produce other papers, such as a marriage certificate, divorce certificate, or, in certain circumstances, medical assessment. The notary must also ensure the validity of the powers of attorney, mandates and resolutions, under which certain individuals have the right to act on behalf of another. Proof of the verification of capacity must also be recorded in the file.

A formality in the digital age

In today's high-tech world, you might think that verifying people's identity is fast becoming an obsolete practice. That would be a mistake, as far too often, we hear media reports of cases of fraud committed through identity theft. Indeed, in this highly interconnected society, it becomes more important than ever to ascertain the identity of people with whom one signs contracts.

Signing a document remotely

The notary will take the extra steps to meet his obligations and better protect you. Before the meeting, he will ask you to send him a colour copy of the front and back of your pieces of identification by a secure document exchange method. The notary may take screen shots for his records during the videoconference and ask you to move the pieces of identification in front of the camera to check the security features or use an online ID validation mechanism. Everything would be retained pursuant to high IT standards.

The notary will also ensure that there is no fraud, undue influence from a third party and that you are giving your informed consent. As such, the notary may also ask you if you are alone in the room and to move the camera so that he may see for himself. Lastly, multiple means of authentication will be used to sign a notarized deed.

WHAT IF I REPRESENT A BUSINESS?

The notary must also check the identification of the business, the individuals who control the business and the business' representative for signing the deed.

Consequently, the notary may ask for some documents, such as the corporation's articles of incorporation, or additional information.

