

Practice Resource

Virtual Verification of Client Identity Using Authentication Technology

Introduction

There are now four available methods to verify a client's identity in the [Law Society of Saskatchewan Rules](#):

- (1) government-issued photo identification method (physical meeting requirement);
- (2) government-issued photo identification virtual verification method (virtual meeting with reliable authentication technology requirement);
- (3) credit file method (no physical meeting requirement); and
- (4) dual process method (no physical meeting requirement).

The virtual verification method is new, effective **June 21, 2024** and can be used with the client's consent, whether inside or outside Canada. The client's photo identification must be issued by the government of Canada, a province or territory, or a foreign government. The photo identification must also be valid, authentic and current. Reliable authentication technology must be used to confirm that the photo identification is genuine and that the name and photo of the client are those of the individual in the photo identification. A video conference alone with a scan or an image of the photo identification is not sufficient to satisfy verification obligations under Law Society [Rule 1545](#).

The Law Society does not vet or endorse vendors or their products. Members are not expected to utilize authentication technology if the preference is to use one of the available alternative verification methods.

Steps to Verify a Client's Identity Virtually

Step 1: Identify and Assess Risks

In the course of obtaining information about the client and the proposed services, identify and assess risks to determine if it is proper to act. Make reasonable inquiries and record the results. Consider [Code of Professional Conduct](#) rule 3.2-7 and commentary, Law Society [Rule 1548](#) and applicable Client Identification and Verification resources such as the Federation of Law Societies' [Red Flags Quick Reference Guide](#) and [Canadian Sanctions Related to Russia and Belarus: Implications for the Profession](#).

Step 2: Arrange a Virtual Meeting with the Client

Refer to the Law Society's Practice Resource on Using Video Conferencing Technology – Guidance and Professional Obligations for best practices and tips for virtual meetings.

Step 3: Authenticate the Photo Identification Using Technology

Before the virtual meeting, ask the client to scan or take an image of the front and back of their government-issued photo identification and to send it securely. A high-resolution image is preferable (clearer, easier to see detail) to a low-resolution image (less sharp).

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Use authentication technology to confirm that the photo identification the individual sent is genuine.

For helpful background on authentication technology and what it does, please see Payments Canada's [AI Solutions for Digital ID Verification: An overview of machine learning \(ML\) technologies used in Digital verification systems](#). Sections of the Law Society's [Cloud Computing Guide](#) are also useful in assessing some aspects of a technology vendor's services and products such as privacy, data breaches, service failure and insurance. Also refer to the Digital Identification and Authentication Council of Canada's [Member Services Directory](#) for technology vendors who have applied to be listed.

Use judgment when reviewing and evaluating the risks and benefits of authentication technology products and making choices. Consider obtaining advice from an information technology professional to gain a better understanding of vendors' products and services.

Vendors' services and charges to verify an individual's identity vary. For example, charges may range from \$4 to \$25 per individual, and some vendors offer a pay-as-you-go service with no on-boarding costs. Some vendors retain data for days or years, and it could be retained outside of Canada, while some vendors retain data only for an agreed time period. Consider the differences when determining whether to use authentication technology and the best-suited product.

Step 4: Confirm the Photo Identification is Valid and Current

After authenticating the photo identification, confirm that the individual who presented the photo identification is the same individual featured in the authenticated photo identification:

- a. During a live video meeting, ask the individual to show the front and back of their photo identification and compare it to the authenticated photo identification;
- b. Compare the features of their image on screen to that of the authenticated photo identification;
- c. Check that the name, address and currency date of the photo identification used in the virtual meeting matches the name, address and currency date of the authenticated photo identification; and
- d. Check that the name and address match the identification information obtained under [Rule 1541](#).

Step 5: Record Keeping and Retention

Retain a record of the information, with applicable dates, and any documents obtained or produced for the purposes of verification ([Rule 1546](#)).

For More Information

For more information regarding client identification and verification, read Rules 1541 to 1549 and refer to the Law Society's Client Identification and Verification [webpage](#) including [Frequently Asked Questions](#). Members can contact auditor@lawsociety.sk.ca or call 306-569-8242 with any further questions.