Practice Resource

Law Society of British Columbia

Guidance for virtual verification of your client's identity using government-issued photo ID and technology

Introduction

The Law Society Rules provide for four methods to verify a client's identity: (1) the government-issued photo ID method (physical meeting requirement); (2) government-issued photo ID method (virtual meeting with reliable authentication technology requirement); (3) credit file method (no physical meeting requirement); (4) dual process method (no physical meeting requirement). You can use any one of the four methods.

You can verify an individual client's identity in person or virtually using the individual's photo ID issued by the government of Canada, a province or territory or a foreign government. The ID must be valid, authentic and current. The virtual verification method is new, effective March 8, 2024, and can be used with the individual's consent, whether they are inside or outside of Canada. To verify an individual's identity virtually, you must use reliable authentication technology to confirm that the ID is genuine, and confirm that the name and photo of your client are those of the individual in the ID. A video conference alone with a scan or an image of the ID is not sufficient to satisfy your verification obligations under Law Society Rule 3-102. Below are steps to verify an individual's identity virtually. Your responsibilities may be fulfilled by you or by a member or employee of your firm on your behalf (Rule 3-99(3)).

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 *BC Code* rule 3.2-7 and commentary, Law Society Rule 3-109 and applicable Client ID & Verification web page resources such as the Federation of Law Societies' Red Flags Quick Reference Guide and Canadian Sanctions Related to Russian Belarus: Implications for the Profession.

Step 2: Arrange a virtual meeting with the individual

See our practice resource, Using Video-conferencing technology: guidance and professional obligations, for best practices and tips for meetings.

Step 3: Authenticate the photo ID using technology

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

Use reliable authentication technology to confirm that the ID the individual sent to you is genuine. Technology can assess the government-issued photo ID against common features (e.g. size, texture, character spacing, raised lettering, format, design), security features (e.g., holograms, barcodes, magnetic strips, watermarks, embedded electronic chips) and marks such as logos and symbols (e.g. provincial animal).

For background on authentication technology and what it does, see Payments Canada's "AI Solutions for Digital ID Verification: An overview of machine learning (ML) technologies used in Digital verification systems". You could also refer to information from The Digital Identification and Authentication Council of Canada (DIACC), a non-profit organization. DIACC offers a certification program for service providers.

Use your judgment when reviewing and evaluating the risks and benefits of authentication technology products and making choices. You may find our Cloud Computing Checklist, v. 4.0 useful to assess some aspects of a technology vendor's services and products such as privacy, data breaches, service failure and insurance (not all of the checklist is applicable). Will the vendor's report provide you with the information that you need? Does the vendor ask the client to provide too much information? Does the vendor unnecessarily retain the client's data? Do they store any information outside of Canada? What does their privacy policy say? Consider obtaining advice from your firm's information technology professionals for competent understanding of the vendors' products and services. Note your professional obligations in *BC Code* rule 3.1-2, commentary [4.1] and [4.2] regarding technological competence.

The Law Society doesn't vet or endorse vendors or their products. Vendors' charges to verify an individual's identity vary (e.g. from around $4 to $25 per individual). Some offer a pay-as-you-go service with no on-boarding costs. Some retain the data for days or years, and it could be retained outside of Canada. One vendor does not retain the data; the data is retained entirely by the lawyer for a time period determined by the lawyer or law firm.

Some of the many vendors providing ID authentication technology include:

- Acuant Identity Solutions Overview
- Applied Recognition Ver-ID Credentials SDK
- AuthenticID Identity Proofing Explainer

- BlockID Verify
- Bluink eID-Me registration tutorial and ID verification demo
- DocuSign ID Verification Software: Verify Identification Online
- Folio Platform – Identity Verification Overview
- Oliu identity verification and authentication platform
- Realaml
- Treefort - How to Verify your Identity
- Trulioo Solutions Global Identity Platform
- Vaultie – Digital Trust Solutions

Step 4: Confirm the photo ID is valid and current

After authenticating the ID itself, you still need to confirm that the individual who presented the ID to you is the same individual featured in the authenticated ID that you will have in the vendor's report (some vendors provide both the authenticated ID and the individual's selfie). During a live video meeting, ask the individual to show you the front and back of their ID and compare it to the authenticated ID. Compare the features of their image on your screen to that of the authenticated ID. For added certainty, you could use biometric verification technology that includes facial verification and liveness detection.

Check that the name, address and currency date of the ID used in the video meeting matches the name, address and currency date of the authenticated ID. Also check that the name and address match the identification information that you obtained under Rule 3-100.

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 (Law Society Rule 3-107).

For more information

For more information regarding client identification and verification, read Rules 3-98 to 3-110 and refer to the Client ID & Verification resources web page including FAQs and ADMA. Lawyers are welcome to contact practiceadvice@lsbc.org, call 604.443.5797 or book an appointment if they have questions.