

# **Your papers please!**

A formality that is  
on the verge of becoming ... increasingly common

## **The Requirement for Official Identification**

You find it necessary to formalize a transaction, your will, or some other important document. You make an appointment with your notary for signature and he asks you to supply identification.

### **Why?**

#### **Quality control**

Even if your notary knows you well, he is required by law not only to verify your identity, but also to keep proof, in the file, of acceptable identification requested by him.

The purpose of this formality is to officially establish with certainty that you really are who you claim to be. It is a preventive measure to render difficult, if not impossible, the substitution of another person. It reassures the notary, of course, and also any other party to the contract.

In signing a document, the notary certifies the validity of the contents of the act he witnesses, including the identity of the signatories.

The notarial act provides the highest possible degree of legal security. The law confers on it a quasi-infallibility known as authenticity. Once signed, its validity and contents cannot be questioned without a difficult judicial contestation procedure. All other documents, even those signed before witnesses, are more vulnerable to disavowal and contestation, being of lesser evidentiary quality.

Because of its special status, the notarial act requires stricter formalities and more checks than do simple informal writings. It is precisely this attention to detail and the numerous controls the notarial act is subjected to that establish its exceptional security and ensure your peace of mind. The detailed verification of identity is an essential part of these controls.

### **Why keep copies?**

The notary is required to retain proof that he received valid identification and for that reason will keep a photocopy in the file. He cannot afford to show favouritism. Whether you play golf together regularly or are meeting for the first time, the notary must be in a position to produce, on the spot, concrete proof of your identity to an inspector of the *Chambre des notaires*.

Don't worry! The personal information confided to your notary is safe and protected by professional secret. Not only is the notary not allowed to use it for purposes other than those for which it was requested, but he must also ensure that his employees do not disclose this information to anyone else.

### **Acceptable identification**

A card with photo and signature is the ideal document to present to a notary. But not just any card! To be acceptable, proof of identity must originate from a recognized body with a degree of control over its issuance. Cards must be legible and valid, and photos must be clear enough for the subject to be recognized.

The most usually requested identification papers are:

- driver's permit
- health-insurance card
- passport

Other identification papers may be acceptable, including certain foreign documents, but check with your notary. If you provide a document without photo (such as a birth certificate or social insurance card), the notary will probably require additional identification as well as a specimen signature.

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With the Internet, electronic commerce, and the increasing rapidity of exchange, the verification of identity may appear to be an anachronism. Wrong! In this new interconnected world, it is even more important to ensure the identity of the persons with whom we contract. How can we be absolutely sure, in cyberspace, of the identity-even the existence-of a person whom we have never seen, whether down the street or on the other side of the world?

Notaries are precursors in matters of identification, and their expertise in this field has already proved to be invaluable in securing, among other things, the Register of Personal and Movable Real Rights in Quebec. The presentation of I.D. to your notary may be only the first signs of a growing practice. More and more, and for your own security, you will be asked: "Your papers please."

