



NOVA SCOTIA BARRISTERS' SOCIETY

Client Identification & Verification Overview

Effective January 1, 2020

| | Individual Clients or Representative Clients (individuals) | Organizational Clients Representative Clients (organizations) |
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| Identification Required when providing legal services, except: <ul style="list-style-type: none"> - For employer - Agent for another lawyer - Referral from lawyer who has already done id - Duty counsel (unless activity re verification) | Obtain and Record <ul style="list-style-type: none"> • Full Name • Home address and Telephone # • Occupation(s) • Work Address and Telephone # (if applicable) • The applicable date of the procedure performed for client ID information is noted in either a paper or electronic form or database | Obtain and Record <ul style="list-style-type: none"> • Full Name • Business Address • Business Telephone # • Incorporation # or Business ID # (if applicable) • Type of Business • Name, position, and contact information of person authorized to give instructions. • The applicable date of the procedure performed for client ID information is noted in either a paper or electronic form or database |
| Verification Required when lawyer "engages in or receives instruction in respect of the receiving, paying, or transferring of funds" Exceptions in Reg. 4.13.7 <ul style="list-style-type: none"> - Client is or funds are paid by/to Financial institution, public body, or reporting issuer - Received from trust account of another lawyer - Received from peace officer, etc - Paid or received to pay fine, penalty, bail - Paid or received for professional fees, disbursements, or expenses - to Electronic transfer of funds | 1. Obtain, record, and date information about the source of the funds 2. Obtain and Keep copy <ul style="list-style-type: none"> • government-issued photo identification; or • credit file information; or • information from two different, reliable and independent sources that contain: <ul style="list-style-type: none"> • the individual's name and address; • the individual's name and date of birth; or • the individual's name and confirmation they have a deposit account, credit card or other loan with a financial institution. Clients under 12 – <u>must</u> verify the identity of one parent or guardian Clients 12 to 15 – <u>may</u> refer to dual process identification for one parent or guardian at same address of client | 1. Obtain, record, and date information about the source of the funds 2. Obtain and Keep copy <ul style="list-style-type: none"> • Written confirmation from government registry; or • Copy of constating documents for unregistered organizations 3. Verify individual giving instruction using one of 3 methods for Individual 4. Record and date names of all Directors 5. Make reasonable efforts to collect and confirm identity of the beneficial owners (see 4.13.14) 6. If unable to confirm identity of beneficial owners: <ul style="list-style-type: none"> • collect and confirm identity of senior managing officer; • assess risk based on information available (see 4.13.17) |
| Timing of Verification | Upon engaging in or giving instruction receiving, paying, or transferring of funds (also applies for individual providing instruction for organizational client) | Within 30 days of engaging in or giving instruction receiving, paying, or transferring of funds |
| In Person or by Agent | Verification must be done in person If agent is used, need to have an agent agreement | |
| Ongoing monitoring | Periodically assess client's activities, source of funds, and transactions are consistent with purpose of retainer in order to assess if there is a risk that the client is engaged in fraud or other illegal conduct | |