



NOVA SCOTIA BARRISTERS' SOCIETY

Client Identification & Verification Overview

Effective January 1, 2020

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