CLIENT IDENTIFICATION AND VERIFICATION OVERVIEW

	Individual Clients or Representative Clients (individuals)	Organizational Clients or Representative Clients (organizations)
Identification Required when **providing legal services** (Rule 80.3) except (Rule 80.2(2)): – for employer – agent for another lawyer – referral from lawyer who has already done ID – duty counsel (unless activity re verification)	**Obtain and record (Rule 80.3(a))** – full name – home address and telephone# – occupation(s) – work address and telephone # (if applicable) – the applicable date of the identification	**Obtain and record (Rule 80.3(b))** – full name – business address – business telephone# – incorporation # or business ID # (if applicable) – type of business – name, position, and contact information of person authorized to giveinstructions. – 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**" (Rule 80.4)
 	
Exceptions (Rule 80.5)
 	
– 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, law enforcement agency or other public official acting in their official capacity
– paid or received to pay court order, fine, penalty
– paid or received for professional fees, disbursements, or expenses
– electronic transfer of funds (EFT)
	Obtain, record, and date information about the source of the funds (Rule 80.6(1)(a))
	
	Obtain and keep copy (Rule 80.6(1)(b) and 80.61)
	– government-issued photo identification; or
	– credit file information; or
	– information from two different, reliable, and independent sources that contain:
	  ▪ 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
		Obtain, record, and date information about the source of the funds (Rule 80.61(a))
		
		Obtain and keep copy (Rule 80.61(e) and (f))
		– written confirmation from government registry; or
		– copy of constating documents for unregistered organizations
		
		Verify individual giving instruction using one of 3 methods for individual (Rule 80.6(1)(b))
		
		Obtain, record and date names of all directors (Rule 80.62(1)(a)) **and identity of the beneficial owners** (Rule 80.62(1)(b)) **and take reasonable measures to confirm accuracy of this information** (Rule 80.62(2))
		
		If unable to obtain required information or confirm accuracy:
		– collect and confirm identity of senior managing officer (Rule 80.62(4)(a)
		– engage in ongoing monitoring (Rule 80.62 (4)(b))

Timing of Verification	Upon engaging in or giving instruction receiving, paying, or transferring of funds (also applies for individual providing instruction for organizational client) (Rule 80.63)	Within 30 days of engaging in or giving instruction receiving, paying, or transferring of funds (Rule 80.64)
In Person or by Agent	Verification must be done in person If agent is used, need to have an agent agreement (Rule 80.6(2) –(5))	
Ongoing monitoring	Periodically assess whether client's activities, source of funds, and transactions are consistent with purpose of retainer to assess if there is a risk that the client is engaged in fraud or other illegal conduct (Rule 80.9)	