

Practice Bulletin No. 1

Version 1.2

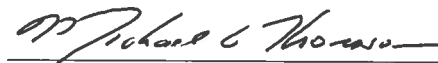
DOCUMENT TITLE: Surveyor General's Requirements for a Certification Authority

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APPROVAL:



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Change Record

Version	Date	Page	Description of Change
Initial Version of document	April 1, 2007		
Version 1.1	January 17, 2011	Front page and pages 3 and 6	<ul style="list-style-type: none"> - Reformatted cover page - Added Law Society as Certification Authority - Update of Surveyor General address
Version 1.2	March 18, 2019	Pages 4 to 6	<ul style="list-style-type: none"> - Clarification of requirements regarding issuing, revoking and expiry of certificates

1. BACKGROUND AND DEFINITIONS:

This Bulletin arises in consequence of certain powers of the Surveyor General under sections 93.95 and 93.96 of the *Land Act*, R.S.B.C. 1996, C. 245, as amended (the "Act"). The Act provides the Surveyor General with authority to establish certain requirements in respect of a Certification Authority and its certification practice statement.

If terms used in this Bulletin (whether capitalized or not) are defined in the Act, the definition in the Act applies in this Bulletin.

2. SURVEYOR GENERAL'S REQUIREMENTS FOR A CERTIFICATION PRACTICE STATEMENT:

The Surveyor General recognizes the Law Society of British Columbia as a Certification Authority under Section 93.95 of the Act.

The Surveyor General establishes the following requirements in respect of any certification practice statement adopted by a Certification Authority under and in accordance with sections 93.95 and 93.96 of the Act.

The certification practice statement adopted by a Certification Authority must contain the elements required by section 93.96 of the Act and other provisions to address each of the following matters which are considered necessary by the Surveyor General under section 93.96(b) of the Act:

(a) Requirements to Obtain a Certificate

A person is eligible to obtain a certificate if the person is a practicing land surveyor in good standing with the Association of British Columbia Land Surveyors and that person has indicated in writing to a Certification Authority that:

- The person is eligible to sign electronic plans and documents permitted or required to be submitted through the electronic filing system of the Land Title and Survey Authority of British Columbia ("EFS") under all applicable legislation and in accordance with all requirements and designations of the Surveyor General made under the Act;
- The person agrees to immediately notify the Certification Authority of any change in circumstance which would affect the person's eligibility to incorporate the person's electronic signature into electronic plans; and
- The person agrees that the Certification Authority has the right and obligation to revoke the certificate upon receiving any information (whether from the person or some other source) which would reasonably lead the Certification Authority to conclude that the person is no longer eligible to incorporate the person's electronic signature into electronic plans.

(b) Factors Limiting the Issuance of Certificates

A certificate must not be issued to a person if:

1. The Certification Authority has previously revoked a certificate issued to the person and the cause for that revocation has not been resolved to the reasonable satisfaction of the Certification Authority and the Surveyor General; or
2. The Surveyor General has indicated to the Certification Authority that the person should not receive a certificate.

(c) Suspension of Certificates

Certificates will not be suspended. In the event of any circumstance which might call a certificate or Subscriber into question, the certificate will be revoked.

(d) Revocation of Certificates

A certificate will be revoked by the Certification Authority if any one of the following occurs:

1. The Certification Authority has reason to believe that
 - (a) a material fact in in a Subscriber's application to obtain a certificate is false;
 - (b) the witness to the application to obtain the certificate repudiates their statement in support of that application;
 - (c) the Subscriber no longer meets the criteria to obtain a certificate;
 - (d) the Subscriber is no longer eligible to sign electronic plans or documents under the enabling legislation and any requirements established by the Surveyor General from time to time;
 - (e) the security, integrity, or privacy of the certificate has been compromised;
 - (f) the certificate has been lost;
 - (g) the certificate has been used by someone other than the Subscriber;
 - (h) the Subscriber has used their certificate in a fraudulent act; or
 - (i) the Subscriber has breached the subscriber agreement.
2. The person who has applied for a certificate fails to complete the certificate issuance process within the required period after issuance of the certificate as established by the Certification Authority.
3. The Subscriber indicates to the Certification Authority that they no longer wish to be a Subscriber.

4. The certificate has expired without action by the Subscriber to request a new certificate.
5. The Subscriber indicates to the Certification Authority that they do not accept any published modifications to the Subscriber agreement or any amendments to the business practices and policies of the Certification Authority.
6. The Surveyor General informs the Certification Authority that a certificate should be revoked.

(e) Notifying Surveyor General of Certificate Revocations

The Certification Authority will notify the Surveyor General in writing if it revokes a certificate because the Certification Authority has reason to believe that

1. The certificate has been used by someone other than the subscriber; or
2. The Subscriber has used the certificate in a fraudulent act.

(f) Obtaining a New Certificate after Revocation

Persons wishing to obtain a certificate following a revocation must apply to the Certification Authority and meet the requirements to obtain a new certificate.

(g) Expiry of a Certificate

A certificate expires after a period of time, as determined at the time of issuance and evidenced in the certificate. The expiry date of a certificate cannot be changed.

The Subscriber is responsible for requesting a new certificate before the expiry date of their existing certificate by completing the application required by the Certification Authority.

The Certification Authority will issue a new certificate if

1. The new certificate is requested by the Subscriber prior to the expiry of the existing certificate; and
2. The Certification Authority is satisfied that the Subscriber continues to meet the requirements to be a Subscriber.

(i) Re-issuing Certificates to Support Technical Migration

The Certification Authority may revoke existing certificates and issue new certificates if necessary to support changes to technology within the Certification Authority and/or the Surveyor General.

Certificates will only be revoked for this purpose when a specific agreement to do so is reached between the Certification Authority and Surveyor General and then only to extent and in the manner set out in that agreement.