

Law Society of British Columbia

Credentialling Practice Statement

Version 1

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Law Society of British Columbia

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Contents

1	Overview	3
1.1	Policy overview	3
1.2	Contact	3
2	General Provisions	4
2.1	Obligations	4
2.2	Management direction and responsibility	4
2.3	Fees	4
2.4	Liability.....	5
2.5	Amendments	5
2.6	Interpretation and enforcement	5
3	Issuing, Administering, Suspending and Revoking a Lawyer Credential	5
3.1	General	5
3.2	Issuing a Lawyer Credential	6
3.3	Expiry of a Lawyer Credential	7
3.4	Suspending a Lawyer Credential	7
3.5	Revoking a Lawyer Credential	7
4	Providing Access to Information in a Lawyer Credential.....	8
4.1	Database.....	8
4.2	Confidentiality and privacy	9
4.3	Intellectual property rights	9
5	Security	9
5.1	General	9
6	Definitions.....	10

1 Overview

1.1 Policy overview

- 1.1.1 Whereas the Law Society of British Columbia (“LSBC”) issues a digital credential to its members (“Lawyer Credential”) containing information sufficient to verify a lawyer’s identity and practising status, the Director of Land Titles (“Director”) has recognized LSBC as a Credentialling Authority through the Director’s E-filing Directions.
- 1.1.2 This document is the credentialling practice statement (“CPS”) adopted by LSBC and approved by the Director, as required by the Director’s E-filing Directions.
- 1.1.3 This CPS outlines the policies and practices associated with issuance and governance of the Lawyer Credential and use of the credential within the Land Title and Survey Authority (“LTSA”)’s electronic filing system.
- 1.1.4 Compliance with this CPS ensures LTSA can rely on the validity of the Lawyer Credential to facilitate electronic filing while upholding the security and integrity of the land title registration system.
- 1.1.5 This CPS is only one of a set of documents relevant to electronic filing of land title documents using a Lawyer Credential. Other documents include the Lawyer Credential Terms of Use, the LTSA Customer Agreement, and the provisions of the *Land Title Act* and any regulations or requirements under that legislation, including the Director’s E-filing Directions. Credential Holders who use their credential to electronically file with the LTSA should read and understand their obligations under each of these documents.

1.2 Contact

- 1.2.1 LSBC administers this CPS. Inquiries to LSBC should be addressed as follows:

Law Society of British Columbia
845 Cambie Street
Vancouver, British Columbia
V6B 4Z9
Phone: 604-669-2533
Toll-free: 1-800-903-5300
Email: certification@lsbc.org

2 General Provisions

2.1 Obligations

- 2.1.1 LSBC is responsible for performance of the specific obligations appearing throughout this CPS and for publishing this CPS.
- 2.1.2 Credential Holders are solely responsible for all use of the Lawyer Credential within LTSA systems and undertake to observe and comply with this CPS.
- 2.1.3 Specific obligations of Credential Holders are set out in the Lawyer Credential Terms of Use and, as related to use of the credential within LTSA's electronic filing system, in the LTSA Customer Agreement and Director's E-filing Directions.
- 2.1.4 Nothing in this CPS will affect the powers of the Director under the *Land Title Act*, including but not limited to the Director's authority to recognize a Credentialling Authority or member credential, or to revoke that recognition, through the publication of E-filing Directions.

2.2 Management direction and responsibility

- 2.2.1 Responsibility for direction and management of the Credentialling Authority is established within the general management framework of LSBC.
- 2.2.2 Day-to-day management of the Credentialling Authority is the responsibility of the Executive Director of LSBC.
- 2.2.3 The Chief Information Officer of LSBC is responsible for establishing and maintaining standards relating to the information technology applications and infrastructure required to deliver credentialling authority services, including ensuring the Lawyer Credential satisfies the requirements of the Government of British Columbia's Digital Trust infrastructure.
- 2.2.4 The Chief Financial Officer of LSBC is responsible for financial controls in respect of the Credentialling Authority.
- 2.2.5 Management of LSBC undertakes those reviews and assessments it believes are necessary to ensure that the policies, practices and procedures as documented are appropriate and that they are followed in fulfilling its role as Credentialling Authority.

2.3 Fees

- 2.3.1 The Credentialling Authority is entitled to charge a fee to LTSA as a condition of permitting LTSA to verify Lawyer Credentials against the Database.
- 2.3.2 Any such fees are set out in a separate fee-sharing agreement between LSBC and LTSA.

2.4 Liability

- 2.4.1 In the absence of an unlawful or negligent act or omission by the Credentialling Authority in relation to its powers or duties under the *Land Title Act*, no action for damages lies or may be brought against the Credentialling Authority in respect of any loss or damage arising out of an unlawful or negligent act or omission of a Credential Holder under the *Land Title Act*, the *Land Owner Transparency Act* or the *Property Transfer Tax Act*.

2.5 Amendments

- 2.5.1 Amendments to this CPS come into effect with the written approval of the Executive Director of LSBC and only after the Director has accepted the revisions.

2.6 Interpretation and enforcement

- 2.6.1 Subject to any limits under any applicable law, the laws of the province of British Columbia shall govern the enforceability, construction, interpretation and validity of this CPS.

3 Issuing, Administering, Suspending and Revoking a Lawyer Credential

3.1 General

- 3.1.1 Through the Director's E-filing Directions, the Director has recognized the Lawyer Credential as a member credential acceptable to verify the identity of a lawyer, for the purpose of facilitating electronic filing under the *Land Title Act*, the *Property Transfer Tax Act* and the *Land Owner Transparency Act*.
- 3.1.2 LTSA acknowledges that LSBC issues Lawyer Credentials as a core service to its members, including for purposes other than to facilitate electronic filing with the LTSA, and has its own policies and procedures governing the credential.
- 3.1.3 The Credentialling Authority will issue, administer, suspend and revoke Lawyer Credentials in accordance with its policies and procedures and in alignment with this CPS, any applicable legislation, and, as related to their use within LTSA's electronic filing system, the Director's E-filing Directions.
- 3.1.4 The Lawyer Credential is issued within and meets the requirements of the Government of British Columbia's Digital Trust Infrastructure.
- 3.1.5 The Lawyer Credential is owned by LSBC, who grants individual users a non-exclusive, revocable, limited licence to access and use the Lawyer Credential.

3.2 *Issuing a Lawyer Credential*

- 3.2.1 The Credentialling Authority will issue Lawyer Credentials only in accordance with its own internal policies, this CPS and any applicable legislation and regulations.
- 3.2.2 The Credentialling Authority issues a Lawyer Credential to a lawyer where the Credentialling Authority has:
- (a) received a request from a lawyer through the LSBC Member Portal to have a credential issued or reissued;
 - (b) verified the identity of the lawyer using a multi-factor authentication method in accordance with its standard procedures;
 - (c) received confirmation that the lawyer has accepted the Lawyer Credential Terms of Use; and
 - (d) connected to the lawyer's digital wallet to securely issue the Lawyer Credential.
- 3.2.3 A Lawyer Credential will only be issued to an active practising lawyer in good standing in British Columbia.
- 3.2.4 A Lawyer Credential must only be added to a digital wallet application approved by the Credentialling Authority.
- 3.2.5 The Credentialling Authority will not issue a Lawyer Credential to a person whose Lawyer Credential has previously been revoked if the circumstances leading to the decision to revoke the previous Lawyer Credential have not been resolved to the satisfaction of the Credentialling Authority.
- 3.2.6 The issuance of a Lawyer Credential by the Credentialling Authority constitutes a warranty by the Credentialling Authority that
- (a) the information contained in the Lawyer Credential is, to the knowledge of the Credentialling Authority, current and true;
 - (b) the Lawyer Credential was issued in accordance with this CPS and any other applicable policies and procedures established by the Credentialling Authority;
 - (c) the individual to whom the Lawyer Credential was issued has agreed to observe and comply with the requirements of the Lawyer Credential Terms of Use; and
 - (d) the individual named or identified in the Lawyer Credential is eligible to electronically sign, certify and submit documents as a Designate under the Director's E-filing Directions.
- 3.2.7 The registrar under the *Land Title Act*, the administrator under the *Land Owner Transparency Act*, and the administrator under the *Property Transfer Tax Act* are entitled to rely on the warranties referred to in paragraph 3.2.6.

3.3 *Expiry of a Lawyer Credential*

- 3.3.1 A Lawyer Credential will not expire so long as it is held within an approved digital wallet application.
- 3.3.2 The validity of the Lawyer Credential is contingent upon the lawyer maintaining a member status of Practising, including paying their annual fee and indemnity fee to LSBC before the annual expiry date and continuing to meet all other membership requirements.

3.4 *Suspending a Lawyer Credential*

- 3.4.1 The Credentialling Authority does not suspend Lawyer Credentials. In the event of any circumstance that might call a Lawyer Credential into question, the credential will be revoked.

3.5 *Revoking a Lawyer Credential*

- 3.5.1 The Credentialling Authority may at any time, in its sole discretion, revoke a Lawyer Credential in accordance with this CPS and the Lawyer Credential Terms of Use.
- 3.5.2 A Lawyer Credential will be revoked if the lawyer's member status changes from Practising to any other status.
- 3.5.3 A Lawyer Credential will be revoked and reissued if the lawyer changes their Given Name or Surname through the LSBC's name change process.
- 3.5.4 A Lawyer Credential may be revoked and reissued if necessary to support changes to technology that enable the issuance, storage or use of the credential, or to LSBC's database of registered lawyers.
- 3.5.5 The Credentialling Authority may revoke a Lawyer Credential without notice or warning if the Credentialling Authority has reason to believe that
 - (a) the Lawyer Credential was issued in a manner not materially in accordance with the procedures required by this CPS or the Lawyer Credential Terms of Use;
 - (b) a material prerequisite to issuing a Lawyer Credential was neither satisfied nor waived;
 - (c) the individual to whom the Lawyer Credential was issued no longer meets the criteria to obtain a credential;
 - (d) the security, integrity or privacy of the Lawyer Credential has been compromised;
 - (e) the Lawyer Credential has been used by someone other than the Credential Holder;
 - (f) the Credential Holder has used their Lawyer Credential in a fraudulent or otherwise unlawful act; or

- (g) the Credential Holder has breached the Lawyer Credential Terms of Use as updated from time to time.
- 3.5.6 The Credentialling Authority may revoke a Lawyer Credential if the Credential Holder indicates to the Credentialling Authority that they do not accept any published modifications to the Terms of Use or other agreement governing the use of the Lawyer Credential.
- 3.5.7 The Credentialling Authority will revoke a Lawyer Credential within a reasonable period of time after determining that a revocation is required.
- 3.5.8 The Credentialling Authority will notify the Director in writing when it revokes a Lawyer Credential because
 - (a) the Lawyer Credential has been used by someone other than the Credential Holder to whom it was issued; or
 - (b) the Lawyer Credential has been used in a fraudulent or otherwise unlawful act.
- 3.5.9 The Director will notify the Credentialling Authority and may recommend revocation of a Lawyer Credential if the Director becomes aware of any violation of the Director's E-filing Directions or the LTSA Customer Agreement relating to use of the Lawyer Credential.

4 Providing Access to Information in a Lawyer Credential

4.1 Database

- 4.1.1 The Credentialling Authority is responsible for maintaining a Database of registered lawyers that will serve as the trusted source of information for Lawyer Credential issuance, revocation and verification.
- 4.1.2 LSBC administrators perform updates on Database records which may trigger credential revocations and reissuance.
- 4.1.3 The Credentialling Authority warrants that LTSA, in its role as Verifier, can rely on the information contained in the Database to be current and true, forming the basis to authorize a Credential Holder to electronically sign, certify and submit land title documents once the Credential Holder's status has been verified.
- 4.1.4 The Credentialling Authority will use commercially reasonable efforts to ensure the Database is online and accessible so that the LTSA can reliably access its records and verify credential information.

4.2 Confidentiality and privacy

- 4.2.1 Information contained within a Lawyer Credential is under the control of the Credential Holder, who determines what information to share with LTSA when a verification check is performed.
- 4.2.2 LTSA will request the following attributes of the Lawyer Credential be shared when attempting to verify a credential:
 - (a) Given Name
 - (b) Surname
 - (c) Public Person ID
 - (d) Member Status
 - (e) Credential Type
- 4.2.3 Information shared by Credential Holders with LTSA is administered in accordance with the *Freedom of Information and Protection of Privacy Act*, the LTSA Customer Agreement and the LTSA's [Privacy Management Framework](#).

4.3 Intellectual property rights

- 4.3.1 The Credentialling Authority retains all intellectual property rights in and to Lawyer Credentials and the information contained therein.

5 Security

5.1 General

- 5.1.1 The operations and management of the Credentialling Authority are established within the overall system of controls of LSBC.
- 5.1.2 The Credentialling Authority protects its data and systems with adequately robust physical and digital security mechanisms that meet commercially reasonable standards for data protection, and protocols and procedures, including personnel controls, that are regularly reviewed and enhanced as needed.
- 5.1.3 The Credentialling Authority is responsible for ensuring that the Database is secure from unauthorized access. In addition, the Credentialling Authority limits access to production servers to only those persons who require such access for a valid business reason.
- 5.1.4 All Credentialling Authority personnel involved in issuing and administering the Lawyer Credential are required to read and adhere to this CPS.
- 5.1.5 In the event of any security breach affecting the Credentialling Authority's systems or the discovery of any attempt to breach those systems, LSBC will inform the Director as soon as practicable.

- 5.1.6 The Credentialling Authority has adequate plans and sufficient financial resources to restart business operations within a reasonable period of time after interruption or failure of its critical business operations, disaster, or compromise of the Database.

6 Definitions

Credentialling Authority means the Law Society of British Columbia as the regulatory authority that issues the Lawyer Credential to its members, as recognized by the Director in the E-filing Directions.

Database means the database of registered lawyers maintained by the Credentialling Authority, against which the LTSA will verify the attributes of a Lawyer Credential during a verification check.

Designate means an individual holding a valid Lawyer Credential who is authorized under the Director's E-filing Directions to electronically sign and certify documents using that credential.

Director means the Director of Land Titles appointed under section 9 of the *Land Title Act*.

E-filing Directions means the directions established from time to time by the Director under section 168.22 of the *Land Title Act*.

Lawyer Credential means the verifiable credential issued to a registered lawyer to enable them to prove their identity and to digitally provide their name and practising status to the LTSA for verification. The Lawyer Credential is a "member credential" as defined in the E-filing Directions and LTSA Customer Agreement.

LTSA Customer Agreement means the agreement signed between the LTSA and a person or business entity as a requirement to create an LTSA account and access its electronic filing systems.