

## Authentication of electronic civil and estate court documents

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As of January 1, 2021, civil and estates court staff can:

1. electronically issue any court document that requires issuance in a civil proceeding in the Superior Court of Justice and Divisional Court, pursuant to rule [4.05 \(1.1\)](#) of the *Rules of Civil Procedure*. Documents that are eligible for electronic issuance include court orders, applications and Certificates of Appointment of Estate Trustee.
2. electronically certify any civil and estates court document that requires certification, pursuant to rule [4.03\(2\)](#) of the *Rules of Civil Procedure*.

### **Background**

Electronically issued court documents involve court staff digitally signing the document, dating it and sealing it with an electronic court seal using Adobe Reader XI.

Electronically certified court documents involve court staff digitally signing the document and dating it.

On August 5, 2020, civil court staff started electronically issuing court documents such as court orders and applications where the documents were filed through Civil Submissions Online (as authorized by rule 4.05.2(6) *Rules of Civil Procedure*, made in [O. Reg. 441-20](#)).

On October 6, 2020, estates court staff started electronically issuing Certificates of Appointment of Estate Trustee (pursuant to paragraph D.6 of the [Consolidated Notice to the Profession, Litigants, Accused Persons, Public and the Media](#) issued by Chief Justice Morawetz).

On January 1, 2021, new court rules came into effect authorizing the electronic issuance and electronic certification of any document in a civil proceeding in the Superior Court of Justice and Divisional Court (rules 4.05(1.1) and 4.03(2) of the *Rules of Civil Procedure* made in [O. Reg. 689-20](#)).

### **How can electronic court documents be authenticated?**

Where court staff digitally sign a court document, a recipient can verify:

1. Document authenticity – confirming the identity of the person who signed the document; and
2. Document integrity – confirming the document has not been altered after it was signed or has only changed in ways permitted by the signer.

Only the person who inserted a digital signature can remove the digital signature.

3. From this pop-up box, click on “*Show Signer’s Certificate*” to view the certificate. This certificate should:
  - a. display the signer’s email address (which should be an email address in the following form: firstname.lastname@ontario.ca);
  - b. indicate that the certificate is issued by the “*Government of Ontario*” or “*MAG*” or “*Ministry of the Attorney General*”; and
  - c. indicate that the “*Selected certificate path is valid*” and that the path validation checks were done at the time of signing.

Recipients of electronically issued and electronically certified court documents can also take the following steps:

1. Contact the signer by email to confirm their role as a court staff member and that they digitally signed and/or issued the electronic court document.
2. Contact the court location to confirm the validity of the electronic court document. The court document specifies the court contact information. This information is also available at: [https://www.attorneygeneral.jus.gov.on.ca/english/courts/Court\\_Addresses/](https://www.attorneygeneral.jus.gov.on.ca/english/courts/Court_Addresses/); or
3. If necessary, ask the person who is relying on the document to provide a court certified copy of the document with a wet ink signature.

Where a person receives a paper copy of a court document that indicates that it was:

- a. electronically issued (it indicates that it was digitally signed and dated and includes an imprint of a digital court seal); or
- b. electronically certified (it indicates that it was digitally signed and dated)

they can ask the person who is relying on the document for the electronic court document. Once the recipient receives the electronic document, they can perform the steps described above to verify document authenticity and document integrity.