



Province of Alberta
Order in Council

O.C. 107/2020

MAR 31 2020

ORDER IN COUNCIL

Approved and ordered:

Lieutenant Governor
or
Administrator

The Lieutenant Governor in Council makes the Electronic Documents Regulation set out in the attached Appendix.

CHAIR

FILED UNDER
THE REGULATIONS ACT
as ALBERTA REGULATION 57/2020
ON MARCH 31 2020

DEPUTY REGISTRAR OF REGULATIONS

For Information only

Recommended by: Minister of Justice and Solicitor General

Authority: Provincial Court Act
(section 9.91)

APPENDIX
Provincial Court Act
ELECTRONIC DOCUMENTS REGULATION

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Definition

- 1 In this Regulation, “Act” means the *Provincial Court Act*.

Application of section 9.91 of the Act

- 2 The Court may, in consultation with the Minister, issue a direction setting out the documents and electronic documents and classes of documents and electronic documents to which section 9.91 of the Act applies.

Electronic documents

- 3 The Court may accept and deal with an electronic document if
 - (a) the electronic document is capable of being retained by the Court in the manner required by section 8,
 - (b) the electronic document will be accessible by the Court so as to be usable for subsequent reference, and
 - (c) at the time the electronic document is presented for acceptance by or filing with the Court, the electronic document
 - (i) meets the requirements with respect to content under the enactments applicable to the electronic document, if any,
 - (ii) is capable of being printed out or displayed in the required form, if any, and

- (iii) meets all applicable information and technology standards in use by the Court.

Documents required to be made in writing

4 For the purposes of the Court, a requirement in an enactment that a document be made in writing is satisfied by making the document in, or converting the document to, the form of an electronic document if

- (a) the electronic document meets the requirements set out in section 3(a) to (c),
- (b) in the case of a document that is signed, the signature meets the requirements set out in section 6(1)(a) to (c), and
- (c) in the case of a document that is made under oath or solemn affirmation, the requirements set out in section 7(1)(a) and (d) and, if applicable, 7(1)(e) are met.

Electronic documents as original documents

5 The Court may accept and deal with an electronic document, including an electronic document that is an electronic version of a document that originated as a paper document, as an original document if

- (a) the electronic document meets the requirements set out in section 3(a) to (c),
- (b) in the case of a document that is signed, the signature meets the requirements set out in section 6(1)(a) to (c), and
- (c) in the case of a document that is made under oath or solemn affirmation, the requirements set out in section 7(1)(a) and (d) and, if applicable, 7(1)(e) are met.

Signatures in electronic documents

6(1) For the purposes of the Court, a requirement in an enactment that a document be signed is satisfied by a signature in a document made in, or converted to the form of, an electronic document if

- (a) the signature together with any accompanying information is capable of identifying the signatory,

- (b) the signature is uniquely linked to the signatory, and
- (c) the signature is created using means that the signatory can maintain under the signatory's sole control.

(2) The Court may accept a signature in an electronic document if the signature meets the requirements set out in subsection (1).

Oaths and solemn affirmations

7(1) For the purposes of the Court, an information, an affidavit or a solemn declaration or a statement under oath or solemn affirmation may be made by a person in the form of an electronic document if

- (a) the person before whom the information, affidavit or solemn declaration or statement is made
 - (i) is authorized to take or receive informations, affidavits, solemn declarations or statements, and
 - (ii) states in the electronic document that the information, affidavit, solemn declaration or statement was made under oath, solemn declaration or solemn affirmation, as the case may be,
- (b) the electronic document meets the requirements set out in section 3(a) to (c),
- (c) the signatures meet the requirements set out in section 6(1)(a) to (c),
- (d) the information, affidavit, solemn declaration or statement under oath or solemn affirmation is made in accordance with the laws of Alberta or the place where it is made, and
- (e) in the case of an information, affidavit, solemn declaration or statement made under the *Criminal Code* (Canada), the person states in the electronic document that all matters contained in the information, affidavit, solemn declaration or statement are true to the person's knowledge and belief.

(2) The Court may accept and deal with an information, an affidavit or a solemn declaration or a statement under oath or solemn affirmation made by a person in the form of an electronic document if the requirements set out in subsection (1) are met.

Retention

8 An electronic document that is accepted and dealt with by the Court must be retained by the Court for the same period as the document would be retained if it were in the form of a paper document and in a manner so that

- (a) any alteration that is made to the electronic document in the normal course of dealing with the electronic document is identified and indicates when the alteration was made and by whom it was made, and
- (b) it is possible to view and reproduce the electronic document and the information or data attached to or associated with the electronic document, if any.

Exception

9 For greater certainty, nothing in this Regulation

- (a) requires the Court to accept and deal with a document in the form of an electronic document, or
- (b) prevents a judge from directing, in a particular case, that a document is to be made in paper form or a signature is to be made in handwriting.