



The Law Society of
Upper Canada

Barreau
du Haut-Canada

IDENTIFYING INDIVIDUALS AND ORGANIZATIONS¹

(For use by lawyers to assist them to determine whether they are required to identify their client and if so, the steps that they are required to take)

- 1. First, determine whether you are being retained to provide legal services to a client?**

- 2. If yes, determine whether an exemption to the client identification requirement applies?**
 - **The exemptions are:**
 - ❑ you are providing legal services to your employer, for example as in-house counsel;
 - ❑ you are acting as an agent for another lawyer (an individual authorized to practise law anywhere in a province or territory of Canada) or a paralegal licensed by the Law Society of Upper Canada, who has already identified the client;
 - ❑ you are acting for a client who has been referred to you by another lawyer (an individual authorized to practise law anywhere in a province or territory of Canada) or a paralegal licensed by the Law Society of Upper Canada who has already identified the client; or
 - ❑ you are providing legal services as a duty counsel under the *Legal Aid Services Act, 1998*, as a duty counsel providing professional services through a duty counsel program operated by a not-for-profit organization or as the provider of legal aid services through the provision of summary advice under the *Legal Aid Services Act, 1998*.

¹ This document has been prepared to assist lawyers to comply with the client identification and verification requirements of By-Law 7.1. Lawyers should refer to the by-law for a more detailed outline of their obligations. Please note that some of the terminology used to delineate the lawyer's obligations is specifically defined in the By-Law.

- 3. If an exemption applies, you are not required to identify your client. If no exemption applies, you are required to identify your client and any third party instructing or who has the authority to instruct your client.**
- 4. To identify an individual you must obtain and keep a record of:**
 - the individual's full name
 - home address and telephone number,
 - occupation, and
 - business address and telephone number, if applicable.
- 5. To identify an organization (a corporation, partnership, fund, trust, association etc.) you must obtain and keep a record of :**
 - the organization's full name
 - business address and telephone number
 - for organizations other than a financial institution, public body or reporting issuer, the organization's incorporation or business identification number and place of issuance of the number if the organization has a number and the general nature of the organization's business
 - the name, position and contact information of the individual giving you instructions on behalf of the organization
- 6. Retain a record of the information that you obtain for the longer of:**
 - six years following completion of the work for which you were retained
 - the duration of the lawyer and client relationship and for as long as it is necessary for the purpose of providing service to the client