



Updating Authentication Practices

Improved Public Interest

APEGA is updating its requirements for authenticating professional documents given the advances in technology and the widespread use of electronic documents.

Background

- The current *Engineering and Geoscience Professions Act* and General Regulation require a Professional Member to sign, date, and stamp or seal all final plans, specifications, reports, or documents of a professional nature that are:
 - prepared by the Member or under the Member's supervision and control or
 - reviewed by the Member and for which the Member has accepted professional responsibility
- The Act and General Regulation refer specifically to several kinds of documents that require authentication by Professional Members. These include a plan, drawing, detail drawing, map, geoscientific cross-section, specification, report, or other document or a reproduction of any of them.
- The APEGA practice standard *Authenticating Professional Documents* defines authentication as the application of the Professional Member's stamp, signature, and date. The standard's definition of stamp includes rubber stamp, embossing seal, or an electronic file.
- The Act and General Regulation also require that when the practice of engineering or geoscience is carried out by a Permit Holder, all final documents of a professional nature must show the permit number issued to the Permit Holder.
- The Act explicitly prohibits individuals, corporations, partnerships, or other entities from practising engineering or geoscience unless they are licensed by APEGA or are working under the supervision and control of a licence holder. It does not explicitly prohibit individuals or other entities from hiring or retaining the services of non-licensed individuals or entities to independently practise engineering or geoscience.

Why is this important?

- Members and Permit Holders need to know what documents they need to authenticate, when they need to be authenticated, and how to authenticate them.
- Engineering and geoscience documents are being increasingly prepared in electronic formats.
- At one time, the embossed seal was the standard for demonstrating authentication when documents were primarily of paper or film. However, as the embossing seal can only be used on paper or film media, it is becoming outdated as a means of authentication. In addition, there is confusion between corporate business seals and the embossed engineering or geoscience seal.
- Clear definitions of authentication and professional documents are needed so Members, Permit Holders, and the public know what documents need to be authenticated and so that there is consistency in how Members and Permit Holders authenticate documents and take professional responsibility for their work in a digital business environment.
- In today's world, it is common for engineering or geoscience work to be outsourced. It is essential to the public interest that engineering and geoscience documents be authenticated by licensed Members and Permit Holders, regardless of whether the engineering or geoscience services related to those documents were performed inside or outside Alberta.

Proposed legislative change

It is proposed that the following definitions be added to the legislation:

- **stamp:** an instrument issued by APEGA to a Professional Member or Permit Holder in any form or medium, as set out by the Registrar.
- **authentication:** the application of a Professional Member's stamp, signature, and date together with a Permit Holder's stamp, with the Responsible Member's signature and date to a professional document.
- **professional document:** an engineering or geoscience file in any form or medium that:
 - contains technical information resulting from the practice of engineering or geoscience
 - is complete for an intended purpose and
 - will be relied upon by others

It is recommended that the legislation be amended to:

- remove references to embossing seals as part of the authentication process
- explicitly clarify that all professional documents must be authenticated by licensed Members and Permit Holders regardless of whether the engineering

or geoscience services related to those documents were performed inside or outside Alberta

- make it an offence for an any person to knowingly employ or retain an unlicensed individual or other entity to provide engineering or geoscience services unless an APEGA Member reviews, authenticates and takes responsibility for that work (Appendix 3 - the Alberta *Health Professions Act* sections 47–49).
 - indicate that the court may order fines payable for such violations up to \$100,000 maximum for individuals and \$500,000 maximum for other entities (these dollar amounts are consistent with other proposed fines).

Effects of the proposed change

- The embossed seal will no longer be accepted as a form of authentication once the new Act and General Regulation come into force. Documents with an embossed seal applied after that date would not be considered authenticated.
- Members will continue to be able to authenticate documents using approved rubber stamps, electronic stamps, or digital signatures as per the *Authenticating Professional Documents* practice standard.
- Members will be informed before the change so that anyone still embossing documents with a seal may obtain an approved stamp or digital signature.
- The definitions will clarify that professional documents can exist in different forms, including electronic media, and that authentication can occur solely in electronic formats.
- The definitions will clarify that professional documents can include documents that may be incomplete for construction purposes but are final for their intended purpose and others may rely upon them.
- All final documents of a professional nature must be authenticated by both:
 - the individual Professional Engineer or Professional Geoscientist taking responsibility for the technical work;
 - and by a Permit Holder. The added requirement for a Permit Holder stamp is to protect the public by attesting to the engineering and/or geoscience quality management system in place governing the professional practice. Please refer to the [Improving the Practice - Permits to Practice](#) briefing note for additional information on the quality control system requirement.
- The changes will clarify that all professional documents must be authenticated if the engineering or geoscience services related to those documents were performed outside Alberta.

- This requirement will apply to engineering or geoscience services, but not to engineered goods or products designed and manufactured elsewhere and imported into Alberta (e.g. pumps, engines, turbines and so on)
- The individual P.Eng and Permit Holder will not need to authenticate these engineered goods or products themselves, but will need to authenticate the overall system or design into which these goods and products are incorporated
- These changes will help protect the public interest by making it an offence for any person to try to avoid the authentication requirement by knowingly hiring an unlicensed individual or company to provide engineering or geoscience services regardless of where they are providing the service. This would be new and a first for engineering and geoscience regulators.