

Note: Only agencies funded by HUA are eligible to be Certifying Agencies.

Part Two- Being a Certifying Agency

Overview

Agencies are being certified for use of the Address Authorization and Identity Certification processes. Only Certified Agencies can use those processes to help their clients obtain identification.

The **Address Authorization** process authorizes the use of a shelter or drop-in's address for a homeless person applying for an Alberta Identification Card.

The **Identity Certification** process certifies the applicant's identity. It allows a homeless or recently housed person to work with a service provider to verify their identity and obtain acceptable supporting documents in order to apply for an Alberta Identification Card.

Definitions

1. "**Certifier**" means an employee of the Agency who has been approved by the Agency's Chief Executive Officer to certify an applicant's information on either the Address Authorization Form or the Identity Certification Form.
2. "**Certifying Agency**" means an agency designated by the Minister as an approved agency for use of the Address Authorization Form and the Identity Certification Form.

Becoming and recognizing your responsibilities as a Certifying Agency:

To become a Certifying Agency, agencies must:

1. Be approved by HUA;
2. Complete training (offered by HUA); and,
3. Sign the 'Certifying Agency Agreement.' This is a legal contract between HUA and the agency.

The agency must ensure their staff is adequately trained. (HUA will assist with the training.)

The implications of being a Certifying Agency:

Agencies must abide by the conditions set out in the 'Certifying Agency Agreement.'

Agency Conditions in the Certifying Agency Agreement

5. When working with an applicant to certify an Identity Certification Form, the Agency must:
 - a) follow the process and requirements outlined in the Identify Verification Document; and
 - b) ensure the applicant meets all eligibility criteria outlined in the Identity Verification Document.
6. The Agency must ensure that all Certifiers are current employees of the Agency.
7. The Agency must promptly notify the Minister if the core business of the Agency changes.
8. The Agency must immediately notify the Minister if the Agency becomes aware of, or has reasonable grounds to believe that, any information provided in a completed form is incorrect.

This can be done by notifying Homeless Cross-Ministry Initiatives at 780-422-0122.
9. If certifying an Address Authorization Form, the Certified Agency must keep a copy of the completed Address Authorization Form as a record according to the conditions outlined in Schedule A.

10. If certifying an Identity Certification Form, the Certified Agency must keep a copy of all completed forms from the Identity Verification Document, the completed Identity Certification Form and any other accompanying documentation used to complete the identity verification of an applicant as records according to the conditions outlined in Schedule A.

Reporting Requirements in the Certifying Agency Agreement

11. The Agency must permit the Minister, or the Minister's representative authorized in writing, to examine, during regular business hours, the books or records relating to its activities as a Certifying Agency.

HUA will be utilizing this reporting requirement to conduct an annual audit to ensure the agency's identity verification work is adequately vigorous for the Identity Certification forms they have signed off on.

In addition, a Certifying Agency may be called upon to prove that proper due diligence was undertaken in the event of an investigation through Alberta Registries or law enforcement (for identity fraud). The Certifier may be subpoenaed to attend court.

It is the Agency's responsibility to ensure the identity verification work is sufficiently vigorous prior to certifying the Identity Certification form.

If the Certifier is not confident that the applicant's identity has been verified, then the Certifier should refuse to certify their application.

If any of the above conditions or requirements are not met, HUA may revoke an agency's right to be a Certifying Agency.

FOIP Implications for Agencies

As completing the processes includes working with an applicant's personal information, some criteria have been established that agencies must abide by as per the *Freedom of Information and Privacy Act* (FOIP Act). These are outlined further in the 'Certifying Agency Agreements.'

The Address Authorization and Identity Certification processes were reviewed by the Office of the Information and Privacy Commissioner.

The Alberta Identification Card is not a new form of government ID but is the same card already available to all Albertans. The card is indistinguishable from all other Alberta Identification cards – the only difference is the process used to obtain the card. This is a voluntary service which can be used for the homeless who choose to obtain an Alberta Identification Card.

Legal Implications for Agencies

It is a criminal offense for the applicant to falsify information for an Alberta Identification Card.

It is a criminal offense for a service provider to knowingly assist a client with fraudulently obtaining an Alberta Identification Card.

The Certifying Agency may be called upon to prove that proper due diligence was undertaken in the event of an investigation through Alberta Registries or law enforcement. The service provider who acted as Certifier may be subpoenaed to attend court.

Q&A on Being a Certified Agency

1) Please provide further information on what constitutes 'reasonable grounds to believe that any information provided in a completed form is incorrect?'

This is referring to after an agency certifies an Identity Certification or Address Authorization Form. At this point, reasonable grounds to believe any information provided in a completed form is incorrect could occur two ways: 1) the agency sees potential evidence and 2) there is a 3rd party allegation to this effect.

Before completing an Identity Certification Form, the Certifier must feel:

- Confident that the person's true identity is known, and;
- Confident that the Certifier would be able to defend the process used to confirm their identity in a court of law.

If information comes after the Certifier has completed due diligence and the application passed the test above, then 'reasonable grounds' is anything that gives the Certifier probable cause to now believe that any information provided in the completed form is incorrect (i.e. that the verified identity is falsified.) and HUA must be notified.

2) If a client just lost their ID and need a new one, can they just go to the Registry Agent or do they need to have the form again?

If the agency is still working with / has contact with the client, the easiest and best thing to do in this case is to re-sign the form and go back to the Registry Agent with the completed form.

If the client is now independent of the agency, the fact that they've had government-issued ID in Alberta and have a photo in the database will help he / she get ID in the future, though he / she will still need some supporting documentation in order to do so.

3) What if a Certifier leaves the agency and then there is a fraud investigation? Is the agency now liable?

Whether they are liable would depend on the circumstances. The question would come down to whether they were negligent in certifying the identity. If they are negligent they could be liable. If they follow the guidelines and the Agency takes care to ensure the certifier has done their due diligence they should meet their standard of care (i.e. not be liable.)

The agency could attract liability where they failed to take the care to verify the identity as required by the forms and resulting harm ensues. If agencies have concerns about liability they should consult with their legal counsel for advice on mitigating the risk.

4) What happens when an Identity Certification or Address Authorization Form is lost?

If any of the documentation pertaining to the client's personal information is lost or used inappropriately by the Agency, this would be considered a breach of FOIP. This would require the Agency to report the breach to HUA and to notify the client that their information has been lost, and what actions are being taken to remedy the situation.

However, if it is the client who loses the form, this is not a breach of FOIP. The client should be told that if they lose their own information they need to alert the Agency/case worker to this so they can note in the file not to accept the form from anyone else as it may be a false representation.

5) What should an agency do when an applicant doesn't pick up their ID card?

HUA recommends the agency hold onto the card for 120 days, as a reasonable amount of time.

Identification Cards that are not picked up by the client within a reasonable time must be 'Returned to Sender.' For Alberta ID cards, 'Return to Sender' means it goes to the Alberta Registries Office, who then are

authorized to destroy the card. The card must be destroyed to prevent the subject's personal information from being obtained from the card and used in identity fraud by the finder.