

PB-15 DOCUMENTS AUTHENTICATION

SUMMARY

This practice bulletin provides information regarding the standard of care in the use and application of the professional seal.

This practice bulletin also outlines the rules and rationale for digital certificates.

This practice bulletin replaces the previous: *Practice Bulletin 15 – Using the Professional Seal Correctly – “Think Before You Seal”* and *Practice Bulletin 23 - Electronic Document Certification*. It elaborates on the meaning of the seal and includes instructions about how to manage a seal, who applies a seal, and when to apply a seal.

BACKGROUND

Registrants must use the professional seal issued to them by the Alberta Association of Architects (AAA) in accordance with the rules set out in the *Architects Act*, General Regulation, Code of Ethics, Bylaws and this practice bulletin. The professional seal is intended for personal use in connection with plans, specifications and other instruments of architectural service prepared under the responsible control of the professional and is not transferable. The issue of transferability is not found in the physical act of handing over the seal but in transferring or abrogating responsibilities given by virtue of the seal.

APPLICABLE LEGISLATION & RESOURCES

- ▶ *Architects Act* Sections 2(2)(c), 2.1(3)(c)
- ▶ *Architects Act General Regulation* Part 3 Section 42
- ▶ Bylaws Part 9, Section 9.11 (1)

Legislative restrictions governing the use of the seal are as follows:

- (a) Section 2(2)(c) for architects and Section 2.1(3)(c) for licensed interior designers of the *Architects Act* makes it clear that a seal cannot be affixed to a plan, drawing, detail drawing, specification, other document or reproduction unless the item was prepared by or under the personal supervision, direction or control of the professional;
- (b) Section 45 of the *Safety Codes Act* and the *Alberta Building Code* state that an individual who offers a design for use by others must ensure that the design complies with the requirements of this legislation and that the seal is affixed in accordance with the requirements of the *Architects Act*;
- (c) Part 3 Section 42 of the *Architects Act General Regulation* designates the professional as being responsible for conducting site reviews. Clearly, if drawings, detail drawings, specifications and other documents or reproductions were prepared by or under the personal supervision, direction and control of a member, that member is in the best position to understand and execute the construction review mandate established by law.
- (d) Part 9 of the AAA Bylaws describes how manual seals, signatures and corporate stamps shall be utilized, applied and controlled.

- (e) This practice bulletin, as approved by Council and the Practice Review Board as per its authority under Sections 6, 9, 10 and 39 of the *Architects Act*, applies to the general use of seals and the application of electronic seals.

In Alberta, the *Architects Act* states:

2(2) no person except a registered architect, visiting project architect, architect's corporation or architects and engineers firm shall... affix the seal or stamp of a registered architect or the stamp of a visiting project architect, architects corporation or architects and engineers firm, or permit that seal or stamp to be affixed, to a plan, drawing, detail drawing, specification or other document or a reproduction of any of them unless that plan, drawing, detail drawing, specification or other document or reproduction was prepared by or under the personal supervision, direction and control of and the seal or stamp is affixed with the knowledge, consent or in accordance with the direction of the registered architect or visiting project architect to whom or the architect's corporation or architects and engineers firm to which the seal or stamp was issued by the Registrar.

9.111(2) A seal or stamp must be accompanied by the signature of the authorized entity to whom it is issued and the date on which it is applied.

9.9(2) each time the stamp is used:

- (a) It shall be stamped over the signature of the restricted practitioner whose stamp it is; or*
(b) The restricted practitioner whose stamp it is shall sign over the stamp, so that the stamp and signature are combined.

There are similar provisions for licensed interior designers under 2.1(3) of the *Architects Act*.

PROFESSIONAL RESPONSIBILITIES IMPLIED BY SEAL

The *Architects Act*, General Regulation, Bylaws and Code of Ethics exist to regulate the practice of architecture and licensed interior design in the public interest. Holding a seal granted by the AAA is an exclusive privilege that comes with professional responsibility. Registrants must use the professional seal issued to them by the AAA in accordance with the rules set out in the Act, General Regulation, Code of Ethics, Bylaws, and this practice bulletin. The seal must always be utilized in the public interest, consistent with the mandate of the AAA and the *Architects Act*. An official AAA seal and signature signifies that the instruments of service have been prepared under an authorized entity's personal supervision, direction, and control. The signature and seal further indicate that any advice or instructions have been provided with the duty of care and professionalism reflective of the *Architects Act*, General Regulation, Code of Ethics and Bylaws. The signature and seal are used by the authorities having jurisdiction as an official record of the authorized entity, as required by the Alberta Building Code and the *Safety Codes Act*. Authorities having jurisdiction will refer only to this official record.

Provincial regulators are bound by the provisions of their respective Acts and regulations, which vary across the country. The Royal Architectural Institute of Canada (RAIC) Canadian Handbook of Practice (CHOP) includes a comparison of provincial and territorial requirements regarding the application of seals.

Only authorized entities defined under the *Architects Act* may engage in the practice of architecture and interior design.

The *Architects Act* defines who is entitled to apply the seal under its definition of an “authorized entity” and the “practice of Architecture.”

Except as otherwise provided in the Act, no person except an authorized entity shall engage in the practice of architecture. Authorized entities may include:

- ▶ A registered architect or licensed interior designer: as sole practitioner or partner of a firm
- ▶ As a continuing employee or shareholder of a corporation
- ▶ As a continuing employee or partner in a joint engineering and architecture firm
- ▶ A visiting project architect
- ▶ A restricted practitioner
- ▶ A visiting project licensed interior designer

The following identifies the proper usage of the seal and accompanying permits, as applicable, by each of these authorized entities:

Registered Architect

- ▶ Personal seal, signed by the architect with date of sealing

Licensed Interior Designer

- ▶ Personal seal, signed by the licensed interior designer with date of sealing

Architect Corporation

- ▶ Personal seal of the registered architect, signed by the architect with date of sealing
- ▶ Permit stamp issued by the AAA

Licensed Interior Design Corporation

- ▶ Personal seal of the licensed interior designer, signed by the licensed interior designer with date of sealing
- ▶ Permit stamp issued by the AAA

Joint Architecture and Engineering Firm

- ▶ Personal seal of the registered architect, signed by the architect with date of sealing
- ▶ Permit stamp issued by the AAA

Visiting Project Architect (VPA)

- ▶ Personal seal of the VPA issued in the jurisdiction where licensed to practice, signed by the architect with date of sealing
- ▶ VPA stamp issued by the AAA including name of collaborating Alberta architect

Restricted Practitioner (RP)

- ▶ Personal engineering seal signed by the RP with date of sealing
- ▶ RP permit stamp as issued by AAA
- ▶ RP permit stamp as issued by APEGA
- ▶ RP certificate of authorization issued by the Joint Board of Practice

Visiting Project Interior Designer

- ▶ Personal seal of the collaborating licensed interior designer, signed by the licensed interior designer with date of sealing

Note: Sole proprietors and partnerships of architects or licensed interior designers with the AAA are assigned personal identification registration numbers. However, for these authorized entities, only the signature and personal seal are currently required for external documents of a professional nature. The “permit stamp,” as identified in this practice bulletin, refers to either the architect’s corporation stamp or other stamps with a corresponding permit or license number. Corporations and other structured entities must affix the permit stamp alongside the signature and personal seal in accordance with the Bylaws.

Where the authorized entity applies both the professional seal and the permit stamp, the documents can be simultaneously encrypted. (See Approved Authentication Methods / Notarius.)

The architect's professional seal is intended for documents in connection with professional architectural or licensed interior design services. The AAA seal confirms professional involvement where it is required per the *Architects Act* and under the Alberta Building Code.

An authorized entity is prohibited from enabling or participating in unauthorized practice. Authorized entities assume full responsibility for the documents they seal. The seal of an authorized entity is NOT for sale. A professional seal, dated and affixed with a signature, verifies that the legislative requirements are met and that the documents or other instruments of service are accurate and reliable. Architecture and licensed interior design cannot be practiced within the requirements of the legislation unless the authorized entity maintains personal supervision, direction, and control over the provision of its services. This means the authorized entity must provide continual guidance, inspection and examination of the work at appropriate intervals throughout the project. Their work must reflect reasonable skill and judgment in its preparation, and they must ensure the work meets the client’s program of requirements and the requirements of the authority having jurisdiction.

The authorized entity responsible for sealing the documents must always ensure that any subcontracted professional services are performed under their personal supervision, direction and control. These requirements apply to any registered architect or licensed interior designer acting as the professional of record as a firm principal or on behalf of their employers.

When documents are prepared outside the office of the authorized entity, it becomes more challenging to maintain personal supervision, direction and control and becomes a potential risk. It can be more challenging to gain immediate access and to direct and control work completed in outside offices, creating a potential risk for the authorized entity. As a result, the authorized entity may face additional liability due to coordination challenges and conflicts between the parties. Potential challenges may include copyright infringement, quality control, design coordination-related services and the issuance and use of documents.

In these circumstances, it is incumbent upon the authorized entity to provide sufficient supervision, direction, and control to fulfill one’s professional duties.

The Alberta Building Code requires the same authorized entity to sign and seal the relevant Schedules of Professional Involvement. While such obligations may be achieved through a

combination of registered professionals under a mutually accepted joint venture or consultant/sub-consultant written agreement, the entity applying the seal must assume responsibility for the entire scope of services as if it were their own.

Instances where an authorized entity is requested to seal documents that were prepared by others present liability risks to the authorized entity and may violate several aspects of the *Architects Act*, General Regulation, Bylaws, and the Code of Ethics, as well as the *Safety Codes Act* and Alberta Building Code.

Any authorized entity that becomes involved in the latter stages of the work, as described in the Canadian Handbook of Practice (CHOP), is obligated to conduct whatever studies and investigations are necessary to fully understand and accept all aspects of the design development process as if it were their own. Furthermore, in accordance with the *Architects Act*, Code of Ethics, the authorized entity is obligated to charge fees for such services that are fair, reasonable, and commensurate to the required time and effort.

If work is transferred from one authorized entity to another under conditions beyond the control of the preceding entity, additional notification provisions will apply to the successor.

A seal is not required in all circumstances. Sometimes, authorities may require a seal and signature on reports and certificates. The firm's name and signature of the authorized entity are typically sufficient for reports, correspondence, or other documents to demonstrate that the practice accepts professional responsibility.

However, the authorized entity should only seal documents prepared under their personal supervision, direction, and control.

A professional seal should not be confused with a corporate business seal issued through the Alberta Corporate Registry. A corporate seal is intended for client/architect agreements, letters, or other contracts.

A professional seal is used on the following:

- ▶ Plans, drawings, specifications, reports, or documents that are complete and intended for construction
- ▶ Documents issued to authorities having jurisdiction for development permit and building permit purposes
- ▶ Construction documents issued to the contractor and owner
- ▶ Sketches, drawings and accompanying site instructions, change orders or change directives that alter a document that has already been sealed or is to be added to the contract documents.

A professional seal may not be used on the following:

- ▶ Documents not prepared under an authorized entity's personal supervision, direction, and control, including "progress" drawings used for internal coordination or discussion between the architect or licensed interior designer, client and consultants.
- ▶ Incomplete documents, such as drafts or preliminary documents
- ▶ Record Drawings as prepared by the Architect of Record.
- ▶ As-built documents produced by the contractor or based on information provided by others.
- ▶ Blank drawing sheets, blank letters of assurance or blank schedules for authorities having

jurisdiction.

- ▶ Competition documents where anonymity is a requirement
- ▶ Legal documents requiring a corporate seal
- ▶ Documents of a professional nature that shall be sealed and, where applicable, qualified

Any item prepared in its entirety under the personal supervision, direction, and control of the authorized entity as verification that the requirements under the legislation are met and that the document or other instruments of service can be used for the construction of a building is to be sealed.

Documents prepared for approval purposes under seal may be qualified as incomplete. Occasionally, a client or approval authority may request a seal to be affixed to certain documents that do not represent a final design ready for construction, such as preliminary design, design development, pre-tender drawings, specifications, reports, or development permit applications. This will help all authorities having jurisdiction recognize professional involvement. In such instances, the specific purpose of the documents must be identified. Disclaimers such as **Draft**, **Preliminary**, or **Not for Construction** must be included.

Reports and documents that are complete and of a professional nature (contracts, certificates, etc.) are to be issued under seal.

UNAUTHORIZED USE OF THE SEAL

Applying a seal to a document where the professional responsibilities have not been upheld is known as selling your seal and violates the underlying intent of the *Architects Act*, General Regulation, Bylaws and Code of Ethics. Such practices are not in the public interest and diminish the value of the profession. The AAA will actively pursue registrants who participate in such practices, and those found guilty will face sanctions, including possible reprimand, fines and/or suspension. The activities of unauthorized practitioners are subject to legal injunction.

Registrants, institutions, municipal authorities and interested registrants of the public at large are encouraged to report any examples of alleged unauthorized practice to the AAA for immediate review.

Using the Seal on Incomplete Documents

The signature and seal are reserved for documents considered by the authorized entity to be complete and ready for their intended purpose. However, in some cases, a seal may be used to demonstrate professional involvement in a project. For example, an authorized entity can sign and seal preliminary submissions or development permit applications to Authorities Having Jurisdiction.

OWNERSHIP, SAFEKEEPING AND RETURN

Architecture and licensed interior design are self-governing professions guided by the right-to-practice and right-to-title provisions of the *Architects Act*. Seals and stamps are under the regulatory control of the AAA and are considered the property of the AAA. Seals and stamps are issued on loan to registered Architects and licensed interior designers must promptly return the seal/stamp to the AAA once they cease their membership.

A seal is associated with a degree of authenticity beyond a signature alone. The significance of the

seal demands that they be handled with the utmost care and responsibility. Registrants are expected to protect against the improper use of their seals. Seals and stamps should always be safely secured and must not be altered for any reason. Registrants should promptly advise the AAA if the seal is lost or stolen, and they should return a damaged seal for replacement.

The authorized entity applying a seal assumes professional liability. The authorized entity must retain duplicate sealed copies for contract and record-keeping purposes. To avoid any future manipulation of the source files, only certified complete copies of hard copies or digital documents should be sealed. Professional liability insurance brokers, underwriters and legal counsellors rely on the authenticity of the seal and signature.

APPROVED AUTHENTICATION METHODS

The AAA recognizes both manual and digital forms of authentication. However, it is essential to note that the manual authentication method only applies to physical, hard copy, and printed documents, while the digital certification method only applies to digital documents.

In today's technology-centered world, almost any document can be digital. With most work now conducted on computers, the digital authentication process is much faster and easier for many professionals. The basic principles of authentication apply to both methods, and either approach is acceptable as long as the following rules are respected:

1. Digital certificates must indicate whether the document is the first issue or a revision.
2. If the document is a revision, it should reference the preceding documents.
3. A signed and sealed document must indicate that it is current and includes any revision numbers. (For architects, this will include but not be limited to reports, memos, letters, drawings, plans and digital signature blocks.)

Manual Authentication

The *Architects Act* describes how physical documents shall be manually authenticated or certified. Physical documents require a seal, signature, and date to be manually applied to each sheet. The seal, signature, and date must be applied each time a document is certified. The seal or stamp may only be applied to project documents as evidence that the documents were prepared under the direct supervision and control of the authorized entity.

Digital Authentication

The AAA recognizes digital authentication as an acceptable equivalent to manual certification. While various commercial products and services are available to create digital signatures and certificates, the AAA reserves the right to approve the specific authentication method its registrants may use. The AAA has approved the use of Notarius, a not-for-profit certification provider founded by the Quebec Society of Notaries Public. Notarius is a technology and security service that professionals can use to sign, and seal digital documents safely and in a manner that complies with the AAA's regulatory requirements regarding the application of a seal. Notarius is the only digital certification technology approved for use by the Association. Notarius is also used by the Alberta Professional Engineers and Geoscientists Association (APEGA). Permission for Notarius to store digital seal information of AAA registrants is provided at the sole discretion of the AAA.

A digital signature supported by an encrypted certification is equivalent to a manual seal, signature, and date. A copy of the sealed document is maintained and managed in a digital vault by a trusted certificate management organization, such as Notarius. Digital authentication is

secured through encryption and verified through a digital certificate that can only be viewed in the digital document. Digital authentications are encrypted with a security tag and locked to prevent modifications. Digital authentication relies upon various security codes and passwords under the document authenticator's control.

When properly applied, the digital certificate provides information about the authenticator and the authentication date and will prevent any attempts to modify or tamper with the authenticated document. The data is maintained in a digital certificates vault. When applied through the approved digital authentication process, the image represented on the digital documents will be formatted to the exact size, format, and proportions as the manual seal. No portion of the authentication image may be included as part of a digital file.

Just as a facsimile of a sealed document is not recognized as authentic, print documents that have been manually sealed, signed, and dated are no longer considered authentic once scanned into a digital format. Similarly, a digital document embedded with a valid digital signature is not recognized as authentic once printed.

TEN REQUIREMENTS FOR THE USE OF A DIGITAL CERTIFICATE

1. AAA registrant must have current authority to sign and seal documents under *the Architects Act*, General Regulation and Bylaws, and acquires an electronic certificate issued by Notarius under the authority of the AAA.
2. AAA registrant must apply their Notarius/AAA digital certificate to each document.
3. AAA registrant must use their digital certificate issued by Notarius under the authority of the AAA for all documents requiring their signature and seal.
4. AAA registrant must not disclose personal codes or marks enabling other persons to use their digital certificate, including passwords, activation codes or verification codes used for identification purposes. Failure to comply with this obligation may result in the immediate revocation of the certificate by either or both the AAA and Notarius.
5. AAA registrant must inform Notarius and the AAA of any changes to their contact information, including email addresses, as soon as possible.
6. AAA registrant must use their computer equipment securely, remembering to close their certificate software or log out of the application before leaving their workstation unattended.
7. AAA registrant must inform Notarius and the AAA immediately if they believe their certificate's confidentiality/security/integrity has been compromised.
8. Certificate and software licenses for the certificate technology cannot be sold, transferred, distributed, or otherwise assigned without the express written permission of Notarius and the AAA.
9. AAA registrant shall not attempt to apply a certificate if it has been cancelled, suspended, or revoked. This will result in disciplinary action being taken by the AAA against the registrant in question.
10. AAA registrant shall follow the destruction method specified by Notarius if their certificate is cancelled, suspended, revoked or otherwise no longer valid or in use.

APPLYING A DIGITAL CERTIFICATE

This practice bulletin deals primarily with the rules and rationale for digital certificates. It is not intended as an instruction manual on how to use and apply the technology. Notarius has technical

support personnel who can assist via telephone and instructions and manuals on their website. Some basic information about how the technology works is included in this bulletin as some additional rules and considerations need to be highlighted.

Documents that require a digital seal and signature must first be converted to PDF format. Notarius provides a software package with an application called ConsignO that allows users to convert their documents into PDF format. However, Adobe Acrobat Pro can also be configured to certify documents with Notarius. The certificate block is more customizable in Adobe Pro than in ConsignO. For "one-off" documents such as a letter or a small set of documents where changes are not anticipated, this may be the preferable option.

If the user needs to certify a large batch of documents, the ConsignO application is likely the best option as it allows for batch "signing." For large documents with tens or hundreds of pages, registrants may choose to create a single multi-page pdf file and apply one digital certificate. The advantage of this method is that the certificate only needs to be applied once. The disadvantages are:

- ▶ Must include a control sheet detailing whether the set is original, whether it is a revised set, as well as every revision made to the set.
- ▶ Each page of the bundle must include wording indicating that it is part of a complete set and can only be trusted if the set remains together; and
- ▶ The extra image that appears when the digital certificate is applied will only appear once in the set.

The recommended (best practice) when dealing with a multi-page set of drawings is to create a separate PDF file for each drawing page. Notarius allows for bulk/batch conversion of files as well as bulk/batch certificate application. This method is similar to what happens when a person physically applies the seal and signs each page. The digital process makes this process quicker and easier. The individual digitally signed PDF files for each drawing can then be "bundled" in a single "zip" or another archive file for transmission or archiving as a single file containing many individual PDF drawing files.

Either approach is acceptable as long as the following rules are respected:

- ▶ A digital document bearing a registrant's signature and seal must clearly indicate (in the title block or in a tracking schedule):
 - » It is the current document
 - » It can be relied upon
 - » Version number
- ▶ If the document is a revision, it must:
 - » Reference the antecedent documents
 - » Provide revision number
 - » Indicate changes

It is recommended to include a disclaimer on all authenticated digital documents which may be converted to other media formats to mitigate potential liabilities resulting from possible document media conversions that may occur outside the control of the electronic document authenticator:

This document has been authenticated utilizing an encrypted digital signature and certificate technology as authorized by the Alberta Association of Architects. The embedded digital certificate within the electronic document is the sole and exclusive item which the reader can utilize to verify the authenticity of the electronic document. The digital image of the seal, and hand-written signature is a representation of the digital signature and certificate and is included for convenience to indicate that the electronic document contains a digitally encrypted signature capable of being independently verified through the viewing of the document in its original electronic format only. The document authenticator accepts no responsibility for documents that are converted from their original electronic media format. It is the sole responsibility of the user or reader to verify the authenticity of any document that has been converted from its original digital media.

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Practice bulletins are issued by The Alberta Association of Architects as a practice resource or as general interpretations of the requirements in the *Architects Act*, the *General Regulation* under the Act, and the AAA Bylaws. Bulletins should be read in conjunction with the *Act*, *General Regulation* and Bylaws and in no way supersede these documents. Bulletins are not intended to be and are not legal advice to the members of the AAA nor to the public/client. Members and the public should consult their own legal, income tax or financial advisors as to the application of the *Architects Act* and *General Regulation* in specific circumstances.

