The Electronic Information and Documents Act, 2000

being

Chapter E-7.22 of the *Statutes of Saskatchewan, 2000* (effective November 1, 2000) as amended by the *Statutes of Saskatchewan*, 2002, c 18; 2015, c 11; 2016, c 15; and 2022, c 23.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER E-7.22

An Act respecting Electronic Information and Documents

PART I
Preliminary

Short title

1 This Act may be cited as *The Electronic Information and Documents Act, 2000*.

Crown bound

2 This Act binds the Crown.

2000, c E-7.22, s 2.

PART II
Electronic Transactions

DIVISION 1
Interpretation and Exceptions

Interpretation of Part

3 In this Part:

(a) **"electronic"** means created, recorded, transmitted or stored in digital or other intangible form by electronic, magnetic or optical means or by any other similar means;

(b) **"electronic signature"** means information in electronic form that a person has created or adopted in order to sign a document and that is in, attached to or associated with the document;

(c) **"public body"** means:

(i) a government institution as defined in *The Freedom of Information and Protection of Privacy Act*;

(ii) a local authority as defined in *The Local Authority Freedom of Information and Protection of Privacy Act*;

(iii) any other person, entity or body that is prescribed in the regulations as a public body for the purposes of this Part.

2000, c E-7.22, s 3; 2002, c 18, s 3.

Exceptions

4(1) This Part does not apply to:

(a) wills;

(b) directives within the meaning of *The Health Care Directives and Substitute Health Care Decision Makers Act, 2015*;

(c) trusts created by wills;

(d) powers of attorney, to the extent that they concern the financial affairs or personal care of an individual;

(e) **Repealed.** 2016, c 15, s 3.

(f) any other provisions, requirements, information or documents prescribed in the regulations.

(2) Divisions 2 and 3 do not apply to negotiable instruments, including negotiable documents of title.

(3) This Part does not apply to the filing of any document or information in an electronic format, or the direct transmission of any document or information to an electronic database, pursuant to an Act that is designated pursuant to Part III.

2000, c E-7.22, s 4; 2002, c 18, s 4; 2015, c 11, s 3; 2016, c 15, s 3.

Application

5(1) If there is a conflict between this Part and the provisions of any other Act or regulation authorizing, prohibiting or regulating the use of information or documents in an electronic format, those other provisions prevail.

(2) For the purpose of subsection (1), the use of "in writing" and "signature" and other similar words and expressions does not by itself prohibit the use of information or documents in an electronic form.

(3) The provisions of this Part relating to the satisfaction of a requirement of any law apply whether or not the law creates an obligation or provides consequences for doing something or for not doing something.

2000, c E-7.22, s 5; 2002, c 18, s 5.

DIVISION 2
General Provisions

Legal recognition

6 Any information or document to which this Part applies shall not be denied legal effect or enforceability solely by reason that it is in an electronic form.

2000, c E-7.22, s 6.

Use not mandatory

7(1) Nothing in this Part requires a person to provide, receive or retain any information or document in an electronic form.

(2) Subject to subsection (3), a person's consent to provide, receive or retain any information or document in an electronic form may be inferred from the person's conduct.

(3) A public body is not presumed to consent to accept information or a document in an electronic form unless it expresses its consent by communication accessible to the public or to those likely to communicate with the public body for particular purposes.

2000, c E-7.22, s 7; 2002, c 18, s 6.

Requirement for information to be in writing

8 A requirement pursuant to any law that any information or document be in writing is satisfied if the information or document:

(a) is in an electronic form; and

(b) is accessible so as to be usable for subsequent reference.

2000, c E-7.22, s 8.

Providing information in writing

9 A requirement pursuant to any law for a person to provide any information or document in writing to another person is satisfied if the person provides the information or document in an electronic form and the information or document:

(a) is accessible by the other person; and

(b) is capable of being retained by the other person so as to be usable for subsequent reference.

2000, c E-7.22, s 9.

Providing information in specific form

10(1) In this section, **"electronic means"** means an electronic means of communication that includes visual aspects by which a lawyer and the person providing the document are able to adequately communicate with each other at all times during the course of their meeting.

(2) A requirement pursuant to any law for a person to provide any information or document to another person in a specified non-electronic form is satisfied if the person provides the information or document in an electronic form and the information or document is:

(a) provided in the same or substantially the same form;

(b) accessible by the other person; and

(c) capable of being retained by the other person so as to be usable for subsequent reference.

(3) A document mentioned in subsection (2) that includes the words "while in the presence of" or "before me" or similar wording, and that is otherwise required to be provided in a non-electronic form, may be provided by electronic means if the following conditions are met:

(a) the document is received, witnessed or commissioned by a lawyer;

(b) the lawyer mentioned in clause (a):

(i) takes all reasonable steps by electronic means to verify the identity of the person providing the document and, if applicable, to confirm the authenticity of the document; and

(ii) complies with all requirements established by the Law Society of Saskatchewan related to the receiving, witnessing and commissioning of documents by electronic means.

(4) Every document that was executed in accordance with *The Electronic Information and Documents (Public Emergencies) Regulations* or section 3.1 of *The Electronic Information and Documents Regulations* before subsection (3) came into force is deemed to have been executed in accordance with subsection (3).

2022, c 23, s 2.

Providing and retaining originals

11(1) A requirement pursuant to any law that requires a person to provide any information or document in an original form is satisfied by the provision of the information or document in an electronic form if:

(a) there exists a reliable assurance as to the integrity of the information or document in the electronic form from the time it was first created, whether as a paper document or otherwise; and

(b) the information or document in the electronic form is accessible by the person to whom it is provided and is capable of being retained by that person so as to be usable for subsequent reference.

(2) A requirement pursuant to any law that requires a person to retain any information or document in an original form is satisfied by the retention of the information or document in an electronic form if there exists a reliable assurance as to the integrity of the information or document from the time the information or document to be retained was first created, whether as a paper document or otherwise.

(3) For the purposes of subsections (1) and (2):

(a) the criterion for assessing integrity is whether the information or document has remained complete and unaltered, apart from the introduction of any changes that arise in the normal course of communication, storage and display; and

(b) the standard of reliability required shall be assessed in view of the purpose for which the information or document was created and any other relevant circumstances.

2000, c E-7.22, s 11.

Retaining documents

12 A requirement pursuant to any law to retain any information or document is satisfied by the retention of the information or document in an electronic form if:

(a) the information or document is retained in the format in which it was created, provided or received, or in a format that does not materially change the information or document;

(b) the information or document will be accessible so as to be usable for subsequent reference by any person who is entitled to have access to the information or document or who is authorized to require its production; and

(c) where the information or document was provided or received, information, if any, that identifies the origin and destination of the information or document and the date and time when it was sent or received is also retained.

2000, c E-7.22, s 12.

Whether document is capable of being retained

13(1) Information or a document in an electronic form is deemed not to be capable of being retained if the person providing the information or document inhibits the printing or storage of the information or document by the recipient.

(2) For the purposes of sections 8, 9 and 10:

(a) electronic information and electronic documents are not to be considered as being provided to a person solely by means of making that information or those documents available for access by that person through any means including the Internet; and

(b) in order to satisfy the requirement to provide any information or document to a person, the person must consent to accept the information or document in an electronic form in satisfaction of the requirement.

2000, c E-7.22, s 13; 2002, c 18, s 7.

Signatures

14(1) A requirement pursuant to any law for the signature of a person is satisfied by an electronic signature.

(2) Notwithstanding subsection (1), the Lieutenant Governor in Council may make regulations prescribing documents or classes of documents for which a requirement pursuant to any law for the signature of a person is satisfied by:

(a) an electronic signature; and

(b) proof that, in view of all the circumstances, including any relevant agreement and the time the electronic signature was made:

(i) the electronic signature is reliable for the purpose of identifying the person; and

(ii) the association of the electronic signature with the relevant electronic document is reliable for the purpose for which the electronic document was made.

2000, c E-7.22, s 14.

Copies

15 Where any information or document may be provided in an electronic form, a requirement pursuant to any law for one or more copies of the information or document to be provided to a single addressee at the same time is satisfied by providing a single version in an electronic form.

2000, c E-7.22, s 15.

Other requirements continue to apply

16 Nothing in this Part limits the operation of any requirement pursuant to any law for:

(a) any information or document to be posted or displayed in a specified manner; or

(b) any information or document to be delivered in a specified manner.

2000, c E-7.22, s 16.

Collection, storage, etc.

17 In the absence of an express provision in any law that electronic means may not be used or that they must be used in specified ways, a minister or any ministry or agency of the Government may use electronic means to create, store, transfer, distribute, publish or otherwise deal with documents or information.

2000, c E-7.22, s 17; 2016, c 15, s 4.

DIVISION 3
Communication of Information and Documents in an Electronic Form

Formation and operation of contracts

18(1) Unless the parties agree otherwise, an offer or the acceptance of an offer, or any other matter that is material to the formation or operation of a contract, may be expressed:

(a) by means of information or a document in an electronic form; or

(b) by an action in an electronic form, including touching or clicking on an appropriately designated icon or place on a computer screen or otherwise communicating electronically in a manner that is intended to express the offer, acceptance or other matter.

(2) A contract shall not be denied legal effect or enforceability solely by reason that information or a document in an electronic form was used in its formation.

2000, c E-7.22, s 18.

Involvement of electronic agents

19(1) In this section and in section 20, **"electronic agent"** means a computer program, or any electronic means, used to initiate an action or to respond to electronic information, documents or actions in whole or in part without review by an individual at the time of the response or action.

(2) A contract may be formed by the interaction of an electronic agent and an individual or by the interaction of electronic agents.

2000, c E-7.22, s 19.

Errors when dealing with electronic agents

20 An electronic document made by an individual with the electronic agent of another person has no legal effect and is not enforceable if the individual made a material error in the document and:

(a) the electronic agent did not provide the individual with an opportunity to prevent or correct the error;

(b) the individual notifies the other person of the error as soon as is practicable after the individual learns of the error and indicates that he or she made an error respecting the electronic document;

(c) the individual takes reasonable steps, including steps that conform to the other person's instructions, to return the consideration received, if any, as a result of the error or, if instructed to do so, to destroy the consideration; and

(d) the individual has not used or received any material benefit or value from the consideration, if any, received from the other person.

2000, c E-7.22, s 20.

When and where information and documents sent and received

21(1) In this section:

(a) **"addressee"** means the person to whom any information or document in an electronic form is to be sent;

(b) **"originator"** means the person sending the information or document in an electronic form.

(2) Unless the originator and addressee agree otherwise, information or a document in an electronic form is sent when it enters an information system outside the control of the originator or, if the originator and the addressee are in the same information system, when it becomes capable of being retrieved and processed by the addressee.

(3) Information or a document in an electronic form is presumed to be received by the addressee:

(a) when it enters an information system designated or used by the addressee for the purpose of receiving information or documents in an electronic form of the type sent and it is capable of being retrieved and processed by the addressee; or

(b) if the addressee has not designated or does not use an information system for the purpose of receiving information or documents in an electronic form of the type sent, when the addressee becomes aware of the information or document in the addressee's information system and it is capable of being retrieved and processed by the addressee.

(4) Unless the originator and the addressee agree otherwise, information or a document in an electronic form is deemed to be sent from the originator's place of business and is deemed to be received at the addressee's place of business.

(5) For the purposes of subsection (4):

(a) if the originator or the addressee has more than one place of business, the place of business is that which has the closest relationship to the underlying transaction to which the information or document in an electronic form relates or, if there is no underlying transaction, the principal place of business of the originator or the addressee; and

(b) if the originator or the addressee does not have a place of business, the references to "place of business" in subsection (4) are to be read as references to "habitual residence".

2000, c E-7.22, s 21.

DIVISION 4
Carriage of Goods

Actions related to contracts of carriage of goods

22 This Division applies to any action respecting a contract of carriage of goods, including, but not limited to:

(a) furnishing the marks, number, quantity or weight of goods;

(b) stating or declaring the nature or value of goods;

(c) issuing a receipt for goods;

(d) confirming that goods have been loaded;

(e) giving instructions to a carrier of goods;

(f) claiming delivery of goods;

(g) authorizing release of goods;

(h) giving notice of loss of, or damage to, goods;

(i) undertaking to deliver goods to a named person or a person authorized to claim delivery;

(j) granting, acquiring, renouncing, surrendering, transferring or negotiating rights in goods;

(k) notifying a person of terms and conditions of a contract of carriage of goods;

(l) giving a notice or statement in connection with the performance of a contract of carriage of goods; and

(m) acquiring or transferring rights and obligations under a contract of carriage of goods.

2000, c E-7.22, s 22.

Writing requirements

23(1) Subject to subsection (2), a requirement pursuant to any law that a matter mentioned in any of clauses 22(a) to (m) be carried out in writing or by using a paper document is satisfied if the action is carried out by using one or more documents in an electronic form.

(2) If a right is to be granted to or an obligation is to be acquired by one person and no other person and a provision of any law requires that, in order to do so, the right or obligation must be conveyed to that person by the transfer or use of a document in writing, that requirement is satisfied if the right or obligation is conveyed through the use of one or more documents in an electronic form created by a method that gives reliable assurance that the right or obligation has become the right or obligation of that person and no other person.

(3) For the purposes of subsection (2), the standard of reliability required shall be assessed in view of the purpose for which the right or obligation was conveyed and any other relevant circumstances, including any relevant agreement.

(4) If one or more documents in an electronic form are used to accomplish a matter mentioned in clause 22(j) or (m), no document in writing used to effect the action is valid unless the use of documents in an electronic form has been terminated and replaced by the use of documents in writing.

(5) A document in writing issued in the circumstances mentioned in subsection (4) must contain a statement of the termination, and the replacement of the documents in an electronic form by documents in writing does not affect the rights or obligations of the parties involved.

(6) If a provision of any law is compulsorily applicable to a contract of carriage of goods that is set out in, or is evidenced by, a document in writing, that provision shall not be inapplicable to a contract of carriage of goods that is evidenced by one or more documents in an electronic form by reason that the contract is evidenced by documents in an electronic form rather than by a document in writing.

2000, c E-7.22, s 23.

DIVISION 5
Regulations

Regulations

24 The Lieutenant Governor in Council may, for the purposes of this Part, make regulations:

(a) defining, enlarging or restricting the meaning of any word or expression used in this Part but not defined in this Part;

(b) specifying provisions of or requirements under any law with respect to which this Part does not apply;

(c) prescribing information, documents or classes of information or documents to which this Part, or any provision of this Part, does not apply;

(c.1) prescribing a person, entity or body as a public body;

(d) respecting electronic signatures;

(e) respecting the electronic means to be used for the sending, receiving or retaining of information or documents in an electronic form where a provision of any law requires a person to send, receive or retain any information or documents;

(f) prescribing any other matter or thing authorized or required by this Part to be prescribed in the regulations;

(g) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Part.

2000, c E-7.22, s 24; 2002, c 18, s 8.

PART III
Filing Electronically with Government

Interpretation of Part

25(1) In this Part:

(a) **"designated Act"** means an Act or a portion of an Act that is designated in the regulations as an Act or portion of an Act to which this Part applies;

(b) **"document"** includes notice;

(c) **"file"** means to make an application, file, submit, deposit, register, provide or send or to make available by any other means, but does not include to serve;

(d) **"minister"** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

(e) **"ministry"** means a ministry, board, commission or other agency that is responsible for administering a designated Act, and includes any entity prescribed in the regulations.

(2) Where a portion of an Act is designated in the regulations as a designated Act, this Part applies only to the portion of the Act that is designated.

2000, c E-7.22, s 25; 2002, c 18, s 9; 2016, c 15, s 5.

Purpose

26 The purpose of this Part is to permit persons who are required or permitted to file a document or information with a ministry pursuant to a designated Act to do one or both of the following, where authorized pursuant to the designated Act:

(a) file the document or information in an electronic format that may be prescribed in the regulations made pursuant to the designated Act;

(b) directly transmit the document or information to an electronic database maintained for the purposes of the designated Act.

2000, c E-7.22, s 26; 2016, c 15, s 6.

Part to prevail

27 In the case of any conflict between this Part and any designated Act, this Part prevails unless the designated Act expressly provides otherwise.

2000, c E-7.22, s 27.

Filing

28(1) A person may file a document or information in an electronic format with the appropriate ministry pursuant to a designated Act, but only if:

(a) the document or information is of a class that is prescribed in the regulations made pursuant to the designated Act as a document or information that may be filed electronically;

(b) the electronic format used is a format that is prescribed in the regulations made pursuant to the designated Act;

(c) the document or information is recorded on a system of electronic data storage that, in the opinion of the person responsible for the maintenance of the document or information to be filed, can be read by the computer or other equipment used in the information filing system; and

(d) the person filing the document or information is, or is a member of a class of persons that is, authorized to file the document or information in an electronic format by:

(i) a person who has the power to grant that authorization pursuant to the designated Act; or

(ii) if there is no person who has the power to grant that authorization pursuant to the designated Act, the member of the Executive Council to whom for the time being the administration of the designated Act is assigned.

(2) If a document or information is filed in an electronic format, the time of filing is the time assigned in the manner that is prescribed in the regulations made pursuant to the designated Act.

(3) If a provision in a designated Act provides that an officer of the appropriate ministry may provide a certified copy of a document or information filed with the ministry and the document or information is filed in an electronic format, the officer of the ministry may provide a certified copy of the document or information filed in the electronic format.

(4) A certified copy mentioned in subsection (3) must be provided in the form and in the manner prescribed in the regulations made pursuant to the designated Act.

(5) A certified copy mentioned in subsection (3) has the same evidentiary value and may be used in the same manner as a certified copy made available pursuant to the designated Act.

2000, c E-7.22, s 28; 2016, c 15, s 7.

Direct electronic transmission

29(1) A person may transmit a document or information in an electronic format directly to an electronic database of the appropriate ministry pursuant to a designated Act, but only if:

(a) the document or information is of a class that is prescribed in the regulations made pursuant to the designated Act as a document or information that may be directly transmitted to an electronic database;

(b) the electronic format used is a format that is prescribed in the regulations made pursuant to the designated Act;

(c) the document or information is recorded on a system of electronic data storage that, in the opinion of the person responsible for the maintenance of the document or information to be transmitted, can be read by the computer or other equipment used in the information filing system; and

(d) the person transmitting the document or information is, or is a member of a class of persons that is, authorized to directly transmit the document or information in an electronic format by:

(i) a person who has the power to grant that authorization pursuant to the designated Act; or

(ii) if there is no person who has the power to grant that authorization pursuant to the designated Act, the member of the Executive Council to whom for the time being the administration of the designated Act is assigned.

(2) If a document or information is directly transmitted in an electronic format, the time of transmittal is the time assigned in the manner that is prescribed in the regulations made pursuant to the designated Act.

2000, c E-7.22, s 29; 2016, c 15, s 8.

Regulations

30(1) The Lieutenant Governor in Council may make regulations:

(a) designating Acts as Acts to which this Part applies;

(b) prescribing entities for the purposes of clause 25(1)(e);

(c) defining, enlarging or restricting the meaning of any word or expression used in this Part but not defined in this Part;

(d) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Part.

(2) Every designated Act is deemed to contain the power of the Lieutenant Governor in Council to make regulations:

(a) prescribing the class or classes of documents or of information that may be filed electronically or directly transmitted to an electronic database;

(b) prescribing the electronic format or formats that may be used when documents or information are filed with the ministry or directly transmitted to an electronic database;

(c) modifying the format or content or both of the documents or information that may be filed electronically or directly transmitted to an electronic database;

(d) respecting signatures in and attestation of documents filed in an electronic format or directly transmitted to an electronic database and the execution, adoption, or authorization of documents filed in an electronic format or directly transmitted to an electronic database;

(e) prescribing the manner of assigning the time of filing or transmitting documents or information when the documents or information are filed in an electronic format or directly transmitted to an electronic database;

(f) for the purposes of subsection 28(4), prescribing the form and manner of providing certified copies of documents or information filed in an electronic format;

(g) designating areas of Saskatchewan where the regulations apply;

(h) prescribing and requiring the payment of fees for filing documents or information in an electronic format or directly transmitting documents or information to an electronic database and for searching the documents, information or electronic databases;

(i) respecting searching documents or information filed in an electronic format or transmitted to an electronic database;

(j) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Part.

(3) A regulation made pursuant to subsection (2) may apply to all or only some of the documents or information required or permitted to be filed pursuant to the designated Act.

2000, c E-7.22, s 30; 2016, c 15, s 9.

PART IV
Repeal and Coming into Force

SS 1998, c E-7.21 repealed

31 *The Electronic Filing of Information Act* is repealed.

2000, c E-7.22, s 31.

Coming into force

32(1) Subject to subsection (2), this Act comes into force on proclamation.

(2) Section 1, Part III and section 31 come into force on assent.

2000, c E-7.22, s 32.

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