

The Manitoba Association of Landscape Architects Inc
a component organization of the Canadian Society of Landscape Architects

MALA DIGITAL SEAL POLICY

This policy was first drafted by the MALA in December 2018. It contains guidance and establishes professional standards on the use of Digital Signature technology to sign, seal, and deliver documents electronically pursuant to the *MALA Bylaws* and proposed regulatory requirements.

Prior to this policy, the MALA had not sanctioned the application of an electronic image of a landscape architect's professional seal to documents requiring a signature and seal. The Association's concerns related to public protection, security of the seal, and document integrity. As a result, any document requiring a landscape architect's seal had to be physically printed out and then dated, signed and hand-sealed.

Modern legislation (*The Electronic Commerce and Information Act*) is in place in Manitoba, which makes electronic documents as enforceable as printed documents and allows for digital production and electronic delivery of landscape architectural instruments of service. These modern concepts related to electronic documents and transactions can be applied (allowing electronic signature, seal, and delivery) provided that adequate measures are in place to ensure:

- the security and verification of electronic documents; and
- the regulation of use and revocation of a landscape architect's seal.

The reference to documents in this policy includes paper and electronic versions.

Any document to which a landscape architect's seal must be applied and which is to be transmitted electronically must be signed, sealed, and dated with a Digital Signing Certificate as described in this policy. No other means of sealing an electronically transmitted document which must be sealed is acceptable.

Terminology

Digital Signature/ Digital Signing Certificate

- Cryptographically protected information in which the veracity of the certificate details is certified by a Certificate Authority.

Digital Seal

- Digital Signature that includes additional information regarding the professional affiliation of the landscape architect which is cryptographically asserted and controlled by MALA.

Electronic Impression, Electronic Seal, or Image of a Stamp

- The visual reproduction of a physical seal resulting from scanning an imprint of the seal that may also contain the visual image of the hand-written signature of a landscape architect, the date and the time; or,
- The digital reproduction of a physical seal resulting from redrawing the file by electronic means (i.e. Adobe Illustrator, CAD, or other electronic means) that may also contain the visual image of the hand-written signature of a landscape architect.

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Use of a Digital Seal

If a landscape architect chooses to finalize a document electronically, the MALA Digital Seal (Digital Signature provided by MALA) must be used.

Electronic impressions of seals (electronic images of a stamp) shall not be used for the purpose of authenticating original documents. These must not be confused with Digital Signatures or Digital Seals.

An electronic image alone of a seal is not secure, and any such document is vulnerable to being seamlessly modified and used by others without the issuing landscape architect's knowledge or authorization. It is fundamentally important to the protection of the public that the seal applied by a landscape architect is reliable, i.e. that it can be relied upon as being accurate and not having been tampered with. Hence, the Digital Seal is required for documents that are authenticated electronically. The Digital Seal confirms that the document was signed by a MALA landscape architect and it protects the document's integrity; thus, any modification after the signature is applied is detectable.

In the same manner as for a physical seal, a landscape architect must ensure that the Digital Seal remains under personal control to prevent unauthorized use and to maintain trust in the MALA Digital Seal. Also, the landscape architect must always retain exclusive control of the use of the Digital Seal. Authority to use one's Digital Seal must never be delegated to anyone nor may the personal security codes enabling use of the Digital Seal be shared.

Although the security of the digitally signed and sealed document is verified through the Digital Signing Certificate, an electronic image of the landscape architect's seal (exact replica of the stamp after being scanned) in addition to a Digital Seal may be applied to the document as part of the digital signing and sealing process. The Digital Seal can also be applied to an image of a landscape architect's signature or initials.

Obtaining your MALA Digital Seal

Landscape architects who wish to send sealed documents electronically must purchase a licence to use their MALA Digital Seal, controlled through use of a secure password and possession of a Digital Signing Certificate.

For more information, visit this link on the MALA website: <http://www.mala.net/mala-digital-seal/>.

To obtain your Digital Seal, visit the MALA section on the Notarius website at: www.notarius.com/mala.

From the MALA Bylaws:

ARTICLE 8 CONDITIONS OF MEMBERSHIP

Section 1 Each Member of the Association shall have the approved seal of the Association, the impression of which shall contain the name of the landscape architect and the words "Member of the Manitoba Association of Landscape Architects" with which seal he shall stamp all construction drawings under his signature.

Approved by Council January 9, 2019