

# *The Electronic Filing of Information Act*

*Repealed*

by [Chapter E-7.22 of the \*Statutes of Saskatchewan, 2000\*](#)  
(effective June 21, 2000).

*Formerly*

[Chapter E-7.21 of the \*Statutes of Saskatchewan, 1998\*](#)  
(effective June 11, 1998).

## **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-7.21

### An Act respecting the Electronic Filing and Transmission of Documents and Information

#### Short title

1 This Act may be cited as *The Electronic Filing of Information Act*.

#### Interpretation

2 In this Act:

- (a) “**department**” means a department, board, commission or other agency that is responsible for administering a designated Act;
- (b) “**designated Act**” means an Act that is designated in the regulations as an Act to which this Act applies;
- (c) “**document**” includes notice;
- (d) “**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;
- (e) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned.

1998, c.E-7.21, s.2.

#### Purpose

3 The purpose of this Act is to permit persons who are required or permitted to file a document or information with a department 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.

1998, c.E-7.21, s.3.

#### Act to prevail

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

1998, c.E-7.21, s.4.

#### Filing

5(1) A person may file a document or information in an electronic format with the appropriate department 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;

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- (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 department may provide a certified copy of a document or information filed with the department and the document or information is filed in an electronic format, the officer of the department 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.

1998, c.E-7.21, s.5.

**Direct electronic transmission**

- 6(1)** A person may transmit a document or information in an electronic format directly to an electronic database of the appropriate department 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.

1998, c.E-7.21, s.6.

#### **Regulations**

7(1) The Lieutenant Governor in Council may make regulations:

- (a) designating Acts as Acts to which this Act applies;
- (b) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (c) respecting any other matter or thing the Lieutenant Governor in Council considers necessary or expedient to carry out the intent of this Act.

(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 department 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 5(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 Act.
- (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.

1998, c.E-7.21, s.7.