

Process Template

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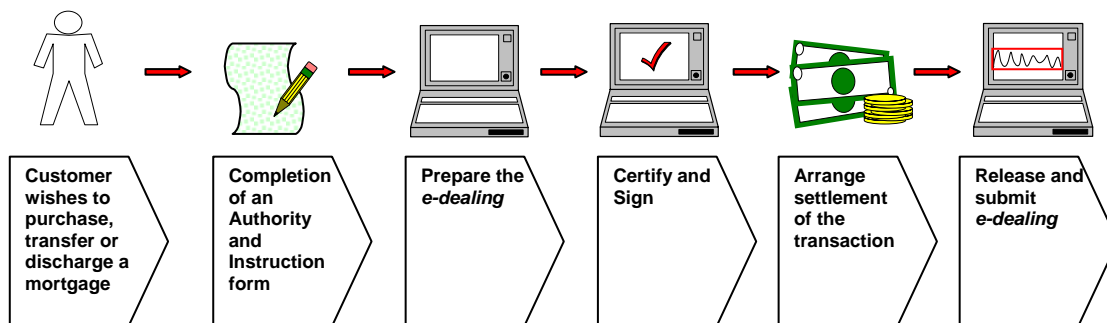
This template is designed to help you create an *e-dealing* process document for your firm. It aims to help you identify the process decisions your firm will need to make before, during and after you complete an *e-dealing* transaction.

A. Before *e-dealing* transactions commence

- 1. Preparation and Certify & Sign roles.** You will need to decide who will be designated to prepare the instruments and who will be authorised to certify and sign *e-dealing* transactions within your firm. You may initially decide that only partners can certify and sign. However, as your firm becomes more comfortable with the application you may want to delegate the Certify & Sign process to non-partners including staff solicitors, senior associates and senior solicitors. For more information, see information sheet titled *Managing Sign-off Risk*.
- 2. Storage of Digital Certificates, passwords and passphrases.** Your firm will need to decide how you will store your digital certificates for disaster recovery purposes. You may also like to consider how you will manage transferring digital certificates of staff who leave to work at another firm. Other considerations include how you will store passwords and passphrases. You may need to set up a security policy. For more information, see Information sheet titled *Storage of Digital Certificates, passwords and passphrases*.

B. During *e-dealing*

Following an approach from the client, there are five main steps in the *e-dealing* transaction process (as outlined in the diagram below).



Within these five steps, there are a number of process decisions your firm will need to take into consideration.

- 1. Completion of Authority and Instruction (A&I) forms.** Your firm can customise the three main A&I forms available on the NZLS website. This is possible, as long as you adhere to Guideline G of the NZLS *e-dealing* Guidelines. You should decide on the process you will adopt for the witnessing A&I forms.

Best practise is to complete an A&I form for every customer regardless of whether the transaction is e-capable. This is a proactive step to take given instruments will require an A&I form in the future.

You can also file clients' proof of identity for future transactions as long as their proof of identity is still valid.

For more information, see information sheet titles *A&I Forms*.

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- 2. Completing the e-dealing transaction.** To ensure you have everything you need to complete the *e-dealing* transaction, your firm may like to use the checklists prepared by LINZ and the Property Law Section (PLS) available from the PLS website. These will help you make sure that the right forms, documents and attachments are prepared and annexed to the *e-dealing* for certification purposes.

To download the checklists, visit www.lawyers.org.nz/memedeaalingguidance.asp

- 3. Certifying and Signing the e-dealing.** For more information, see information sheet titled *Managing Sign-off Risk*.
- 4. Arranging Settlement of the transaction.** Your firm should consider what it will do if Landonline is down on settlement day. There are a number of things you can do to mitigate the risks of Landonline being unavailable when you need to settle. For more information, see information sheet titled *How to settle when Landonline is unavailable*.
- 5. Releasing and Submitting the e-dealing.** Your firm may wish to have a policy around evidence of registration.

For more information, see Guideline X of the NZLS *e-dealing* Guidelines.

C. Once the e-dealing transaction is completed

- 1. Storage of A&I forms.** The statutory requirement is that A&I forms be retained for 10 years. It's best to store A&I forms in a way that is consistent with your other filing systems and is easily accessible for compliance. For more information, see information sheet titled *A&I Forms*.
- 2. Other compliance matters.** Your firm will need to consider how you will manage your documentation so that you are prepared for compliance reviews. For more information, see information sheet titled *Compliance Matters*.