

# Remote signing of documents (1/16/20)

Self-isolation and quarantine as well as closed borders have made life complicated for so many of us. One of the questions is how to ensure legitimacy for documents signed remotely. For example, it might be difficult to forward documents by post between countries and to obtain a notary attestation and an apostille on documents. This article explores some of the available options for electronic signing of documents remotely in Latvia and elsewhere.

## Documents for use in Latvia

In terms of remote signing of documents, Latvia is one step ahead of many other countries. To facilitate communication with the central and local government agencies and various service providers, Latvian individuals and businesses can use a secure electronic signature (eSignature) that allows them to sign any documents. eSigned documents will be equally valid in law as a document signed in the conventional way, as well as providing details of the date, time and place of signing and the validity of the person's signature. So a document signed with an eSignature will not need notary attestation.

An eSignature can be used for transactions between organisations and private persons to sign a contract or decision, an invoice etc. Latvian citizens and nationals can remotely make transactions requiring the involvement of a notary public.

Latvian law also provides for using eSignatures issued by other countries (including outside the EU) if they meet ASICE, the EU eDocument standard format.

Through [www.latvijasnotars.lv](http://www.latvijasnotars.lv), a dedicated portal for Latvian public notaries, notary services are also provided at the virtual notary office, and the notarial function, including the making of a notarial act, is performed remotely. This can also be done in multi-person mode as videoconferencing enables two or more persons to visit the virtual notary office simultaneously.

When notarial services are received in videoconferencing mode, the electronic signing of documents is possible with an eSignature on the notary portal during the conference call or with Smart-ID through the document signing site [www.dokobit.com](http://www.dokobit.com).

Thus a person who is currently abroad does not have to travel to Latvia in order to sign a power of attorney for another person to act on their behalf, sign a contract, decision or any other necessary document.

Having prepared the required document, the notary can issue a derivative (duplicate, excerpt or copy) both in paper form and as an electronic document.

The function of attesting Latvian-issued public documents with an apostille has been transferred to Latvian notaries. An apostille, too, can be received electronically. However, a notary attestation and an apostille for the same document will have to be arranged with two different notaries.

The Electronic Documents Act provides that the central and local government agencies, including the courts, must accept documents signed with an eSignature from individuals and organisations. So any

information or enquiry to be filed in writing may be filed with the central and local government agencies remotely as an electronically signed document. An electronically signed document may include official enquiries, applications for certificates, licences and permits, as well as a completed official form for later filing.

These advantages for the remote preparation and signing of documents can be used not only by Latvian citizens and permanent residents but also by any foreign national holding a Latvian temporary residence permit issued in eID form. For example, a Latvian company's owner or director who holds a Latvian temporary residence permit and lives or stays abroad for long periods can apply to a Latvian consular or diplomatic office for an identity certificate issued in eID form. Having acquired their eID remotely, the person can also remotely exercise all of their rights to act for their company in business dealings.

Documents for use in one or more other countries

The EU has adopted rules that treat an eSignature in the same way as a physical one.

Although the EU has adopted a single eDocument standard and so a document signed with a Latvian eSignature should be accepted in other member states, enquiries should first be made about this option in each particular case.

The scope for using an eSignature varies from country to country. You might find it difficult to use an eSigned document in a particular country, for example, because the other party lacks information about the option of eSignature or due to some shortcomings or specific requirements of national law in a particular situation.

There may be situations where the only way to sign a document for Latvian purposes is with an eSignature but the other country does not recognise eSigned documents. In such cases the solution is to obtain a paper derivative of the document, i.e. once the document is signed with an eSignature at the virtual notary office, the notary will attest it electronically and prepare a notarised hardcopy.