

BULLETIN

Electronic Proof of Automobile Insurance (“EPAI”)

The Automobile Insurance Act and Related Regulations and Rules (“Insurance Legislation”)

The Superintendent of Insurance of Newfoundland and Labrador is releasing guiding principles permitting the use of EPAI in the province. Electronic documents may be delivered through smart phones, apps, email or tablets. In accordance with section 7(1) of the *Electronic Commerce Act*, the use of electronic information is not required but, if EPAI is offered by an insurance company, a person may consent to its use.

These are the required guidelines and principles for insurers/brokers to offer EPAI:

- Advise your clients that their use of EPAI is optional pursuant to the *Electronic Commerce Act*.
- Advise your clients of the following risks and limitations of their use of EPAI:
 - the absence of internet services may limit the availability and accessibility of EPAI on demand;
 - EPAI is acceptable in Newfoundland and Labrador and Nova Scotia. However, if they are travelling outside these provinces they will be required to produce a paper based insurance card which may require direct confirmation with their insurer or broker; and,
 - they are responsible for any loss or damage to their phones that may occur while their phones are in the care, custody or control of a third party who has authority to request access.
- If your clients choose to use EPAI you **MUST** obtain a written consent from them wherein they state they acknowledge and understand the risks and limitations outlined above and they consent to use EPAI.
- Respect existing federal and provincial anti-spam and privacy laws and maintain appropriate confidentiality with client information in accordance with your *Personal Information Protection and Electronic Documents Act* policy and internal guidelines.

- Provide detailed instructions to your clients on how to produce the EPAI on their device to show law enforcement officers or others who have authority to request access.
- The current paper based pink card MUST be issued along with the electronic card on the initial roll out to test the acceptance and practicality of this initiative for clients. The subsequent format of delivery may be determined by your client's choice and consent. The three choices offered shall be EPAI, paper, or both paper and EPAI.
- Deliver EPAI in a pink background format that mirrors the pink paper slip currently in use. The EPAI should have detailed wording and format consistent with the paper based pink slip.
- Create EPAI as a downloadable product with lock screen capability which can be stored in a secure manner on the device. The downloadable product should not be able to harvest any data or interact with other downloadable products on the device.

Technology is a key driver of innovation. Enabling the delivery of EPAI is a step towards allowing more innovation in the insurance industry and was one of the potential improvements to the automobile insurance system referenced in the Board of Commissioners of Public Utilities' report to the Provincial Government in January 2019.

If you have any questions with the implementation of these principles, please contact the Office of the Superintendent of Insurance at email servicenlinfo@gov.nl.ca or phone 729-4834.



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