

DIGITAL LEGAL ACTS ELECTRONIC SIGNATURES - A PRACTICAL VIEW

Fátima Pestana Ribeiro Ferreira

XXXII GENERAL ASSEMBLY

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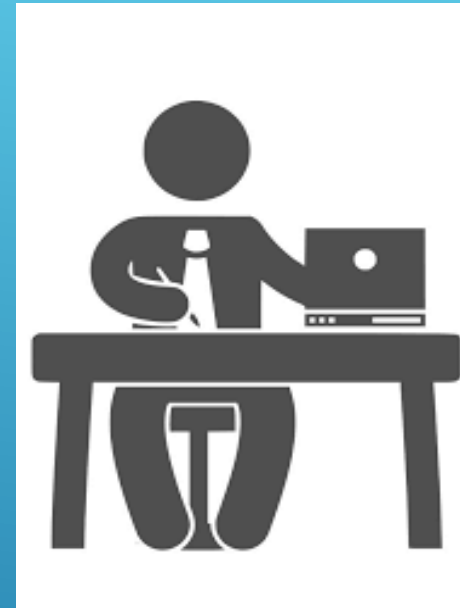
3 – Joining documents

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1 - INTRODUCTION

- ▶ **Decree-law 126/2021**, of December 30th - which came into force on April 4th, 2022, and is in force for two years - establishes the temporary legal regime applicable to the holding by videoconference of:
 - ▶ authentic acts;
 - ▶ terms of authentication of private documents;
 - ▶ recognitions that require the presence of the participants before registers, registry officers, notaries, portuguese consular agents, lawyers or solicitors.

2 – PARTICULAR ASPECTS OF THE PLATAFORM



- ▶ What is needed to carry out an event by videoconference
- ▶ Computer with camera;
- ▶ microphone;
- ▶ columns;
- ▶ internet access;
- ▶ Citizen card or digital mobile key; if authentication is done with Citizen card, you must have a citizen card reader and respective PIN, and also activate the digital signature.

- ▶ Carrying out legal acts by videoconference requires prior creation of the act on the **remote service platform**, being assigned an unique identification and sequential number, and scheduling the respective session
 - ▶ After scheduling, an email will be sent to all participants confirming the scheduling day
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- ▶ The platform is accessible at justica.gov.pt – <https://atendimento.justica.gov.pt>



▶ The platform in question has three reserved areas:

- ▶ Citizen card or digital mobile key;  intended for participants/interveners in the legal act;
- ▶ Username and password for the Justica.gov portal  intended for registrars/registration officers
- ▶ Digital certificate of lawyers, solicitors and notaries

- ▶ After accessing the legal platform, it is necessary to **create the legal act** intended and add the **participants**
- 

Atos

+ Criar Ato

Ato

Tipo

Criado por

Estado

Sessões



Sem atos para listar

[Contactos](#)

[Acessibilidade](#)

[Mapa do Site](#)

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Tipo de Ato



Participantes



Sessões



Documentos



Conclusão

🔍 Pesquisar por tipo de ato

Alteração de propriedade horizontal

Compra e Venda

Compra e Venda com Locação Financeira

Compra e Venda Mútuo com Hipoteca

Constituição de propriedade horizontal

Tipo de Ato



Seguinte ➔

✕ Fechar

- ▶ Its necessary to add all participants





Tipo de Ato



Participantes



Sessões



Documentos



Conclusão

Adicione os Participantes do Ato - CRCPAND20230010

 Apagar Ato



Nenhum participante adicionado


 Adicionar Participante

 Anterior

Seguinte 

 Fechar


Adicione os Participantes do A
CRCPAND20230010



Tipo de Identificação

Cartão de Cidadão

Número de Identificação *



Nome Completo *

Maria de Fátima Pectana Ribeiro Ferreira

Email *

mfazinhaferrera@gmail.com

Telemóvel

964062988

Adicionar Participante

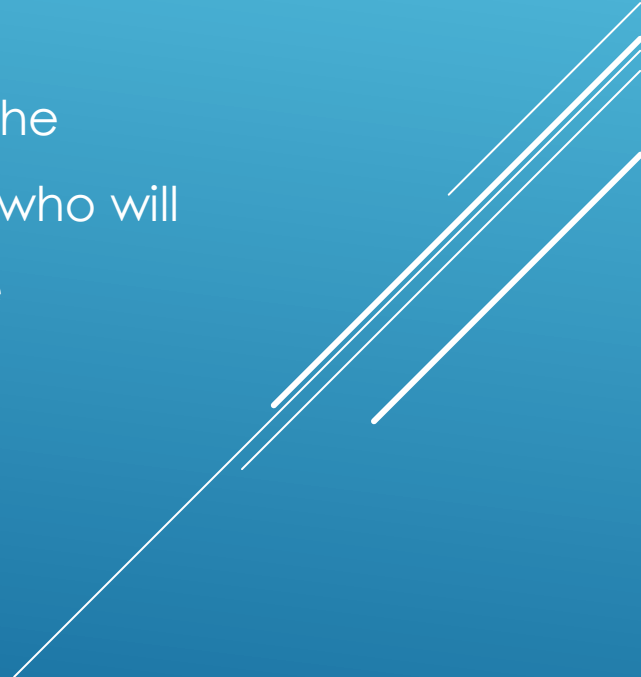
Adicionar

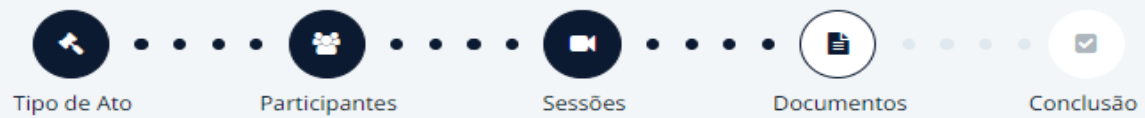
Anterior

Seguinte

Fechar

3 – JOINING DOCUMENTS

- ▶ The documents necessary for the instruction of the legal act to be carried out are included on the platform, such as habitation license, the energy certificate, infrastructure certificate, powers of attorney, etc
 - ▶ Please note that documents that require certification of conformity with the respective original must be submitted on the platform by the professional who will perform the legal act or by an attorney or solicitor who accompanies the participant in the act or represents them.
- 



Anexar Documentos ao Ato - CRCPAND20230010

 Apagar Ato



Nenhum documento anexado

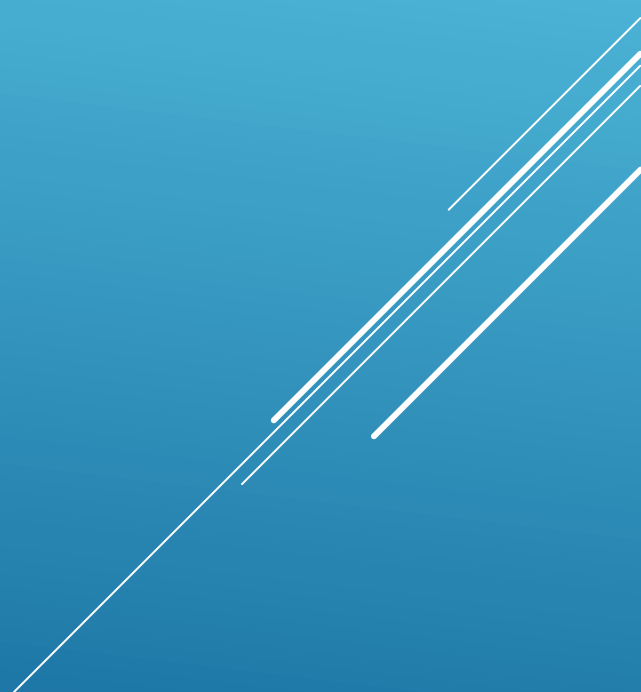
 Anexar Documentos

 Anterior

Seguinte 


 Fechar

- ▶ The documents to be attached can be classified as **public or private access**, and the document that titles the act will necessary have to be classified as public




4 – VIDEO CONFERENCE SESSION

- ▶ Intervenors may be accompanied by an attorney or solicitor. Whenever this happens, reference must be made to this circumstance in the document that titles the legal act.
- ▶ Videoconference sessions are subjected to **audiovisual recording**, and image or sound capture cannot, under any circumstance be deactivated. If this happens, the session must be rebooked on the platform and the entire procedure must begin

- ▶ Participants must give their consent for the audiovisual recording of the act. This consent is made in the reserved area of the platform. Only after providing this consent will they access the respective videoconference session.
 - ▶ Once the session starts, the professional must check whether the facial image of the participants corresponds to the image available on the platform and must ask them to present their identification document, placing it in front of the camera.
 - ▶ He must also ensure that they are aware of the conditions for carrying out the legal act by videoconference.
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- ▶ Participants should be asked to show the space around them. We must be certain that they act of their own free will. It must be ensured that the camera is not hidden and no background is placed.
- ▶ During the session, the document that titles the act is shared on the screen, for all participants, and its contents read and explained. The document in question must state that is carried out by videoconference:
- ▶ «Act carried out by videoconference under the terms of decree – law 126/2021 of december 30, for which the necessary consente was provided for recording».

- ▶ **The document which constitutes the legal act must be read, explained and signed on the same day, under penalty of nullity.**
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5 – SIGNING DOCUMENTS

- ▶ After reading and explaining the legal act in question and verifying that it represents the real will of the parties, it must be **signed** on the platform.
- ▶ The **signature is** carried out exclusively with the use of a qualified digital certificate, either the citizen card or the digital mobile key.
- ▶ Hence, participants must access the document through the platform, where they validate and sign it. It is required as many signatures as the participants.

- ▶ Signing with a digital certificate of the citizen card → is carried out outside the platform, and the participant must upload the signed document to the system;
- ▶ Signing with the digital mobile key → is carried out within the platform.

6 – FINAL PROCEDURES

- ▶ After collecting signatures from all participants the session is closed. Afterwards the registrar will check the quality of the session recording and finally provides his qualified electronic signature

PFI20220001


Ato RNPC20220009 ✔ Finalizado

[i Detalhes](#) [👤 Participantes](#) [🎥 Sessões](#) [📄 Documentos](#)

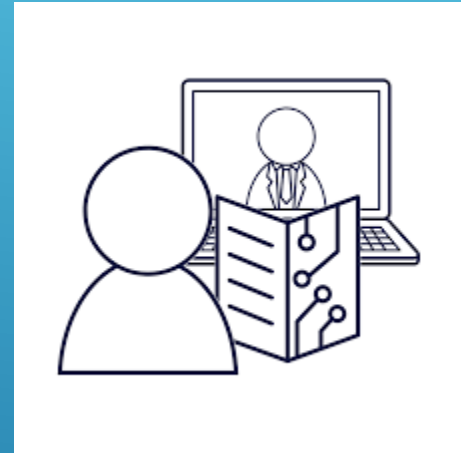
Sessão	15 Nov 2022 15:56 - 16:00	Estado	👤 2/2 Participante(s)
Leitura do título	07 Nov 2022 10:00 - 10:15	🕒 Em Execução Gravação disponível.	🔔 Notificar Participantes

7 – PROBATIVE VALUE OF CARRYING OUT AUTHENTIC ACTS BY VIDEOCONFERENCE

- ▶ Acts carried out by videoconference, through the legal platform, have the same probative value as acts held in person, as long all the requirements set out in the law are observed

- ▶ Recordings of videoconference sessions are archived and kept for a period of 20 years, and are only made available upon court decision
 - ▶ The probatory and final documents can be consulted at the platform up to 30 days after the act has been carried out.
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- ▶ The act must be **refused**:
 - ▶ If there are doubts about the identity of the participants;
 - ▶ If there are doubts about the capacity of the participants;
 - ▶ If there are doubts about the free will of those involved in carrying out the act;
 - ▶ If you have doubts about the genuineness or integrity of the documents presented;
 - ▶ If the technical conditions necessary to hold the videoconference are not met



THANK YOU!

