



HULL & HULL LLP
Barristers and Solicitors

Protecting Estates from Identity Theft

As most readers will be aware, an amendment to the Rules of Civil Procedure took effect in January 2016 to require that "proof of death" be filed as part of an Application for a Certificate of Appointment of Estate Trustee (whether With or Without a Will), also known as a probate application.

When assisting clients in preparing probate applications, it is important to remember that the application materials and supporting documents become part of the public record. Depending on the institution issuing the document, a Death Certificate may include personal details of the deceased beyond what is required to be filed with the Court, including the deceased's Social Insurance Number.

Social Insurance Numbers often play a role in identity theft, as they can be used (with other personal information) to apply for credit cards and open bank accounts. The website for the Office of the Privacy Commissioner of Canada recommends that a person's Social Insurance Number is disclosed only when it is legally required.

Within the context of a probate application, which does not require the deceased's Social Insurance Number, it may make sense to suggest to clients that this information be redacted if it appears upon the Death Certificate. While the risk may be limited, such a precaution may help protect the estate against possible identity theft.