

Verifact in Brazil's Courts: A Digital Alternative to Notarial Records

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Technology is playing an increasingly important role in how evidence is produced and validated in legal proceedings. One tool gaining attention is Verifact, a Brazilian digital platform that allows users to collect and preserve online content with technical guarantees of authenticity and integrity. Positioned as a practical alternative to the traditional *ata notarial* – a formal record issued by a notary public to certify, for legal purposes, the existence, content, or condition of something at a given moment in time– Verifact offers a faster, more accessible way to document digital evidence for use in court.

A recent survey of decisions from Brazilian courts (May 2025), including decisions by both first instance and appeal courts, shows that Verifact is gaining traction and attracting judicial attention. The platform was cited in 87 decisions across multiple jurisdictions, signaling both the growing reliance on digital tools by litigants and the judiciary's need to keep pace with technological change. Among state courts, São Paulo leads with 40 decisions, followed by Paraná (12), Minas Gerais (6), and Mato Grosso (4).

Verifact has not only been mentioned in court decisions: it has also been recognized as a legitimate form of evidence and a viable substitute for notarial records. In the 12 appellate decisions we reviewed, Verifact's use was examined either as a central issue or incidentally, and 10 accepted the evidence produced through the platform. The São Paulo Appeal Court (TJSP – Tribunal de Justiça de São Paulo) issued seven of these decisions, citing factors such as (i) preservation of the digital chain of custody; (ii) legal validation of the platform by the Public Prosecutors' Office (Ministério Público); and (iii) trust in its technical neutrality.

While most decisions upheld the use of Verifact, two decisions – one by the TJSP and one by the Pará Appeal Court (TJPA – Tribunal de Justiça do Pará) – rejected digital evidence collected through the platform in cases requiring “public faith” (the presumption of truth conferred by certain official records and acts) or technical expertise. These rulings reflect a degree of skepticism and suggest that Verifact's evidentiary value is not absolute. Its use may be challenged, particularly in proceedings that involve formal acts (such as service of process via WhatsApp), require expert analysis, or depend on authentication by a public official (such as certification of service of judicial notice). Courts may also reject Verifact-based evidence when the opposing party successfully contests the digital record.

Brazil's labor courts have also begun to engage with the issue. A total of 82 decisions referencing Verifact were identified, and most courts accepted its use, particularly in the 2nd, 3rd, 6th, 9th, 12th, and 15th Regional Labor Appeal Courts (TRT – Tribunais Regionais do Trabalho). Acceptance, however, is not universal. In one decision by TRT-15, the court noted in obiter dictum that Verifact, like notarial records, could be “susceptible to undetectable fraud.” The messages submitted in that case were ultimately found to be invalid –

and, notably, had not been verified through the platform.

In the federal courts, the discussion is still in its early stages. Only two decisions referencing Verifact were identified: one by the 2nd Region Federal Appeal Court (TRF-2 – Tribunal Regional Federal da 2a Região), which accepted a technical report from the platform as valid evidence that a party was unable to access electronic media (an external hard drive containing iCloud data) submitted by the adverse party; and a single-judge decision by TRF-4, which, in a preliminary assessment, emphasized the need for further production of evidence to determine the validity of the documents in question. The court noted that neither notarial records nor Verifact reports carry an absolute presumption of truth. The issue has not yet reached Brazil's higher courts.

Overall, the decisions suggest that most courts have accepted Verifact as a valid tool for producing and recording digital evidence, including in criminal proceedings, and view it as a viable alternative to notarial records. Still, in sensitive matters involving handwriting analysis, formal authentication by public officials, or challenges raised by the adverse party, courts remain cautious.

Verifact has proven to be an efficient, lower-cost solution for demonstrating the integrity and validity of digital evidence. As an alternative to notarial records (which can be expensive and difficult to access) the platform offers a more practical option for many litigants. Still, its use should be carefully evaluated: depending on the case, it may need to be supplemented with more established forms of evidence, such as notarial records or expert reports, to strengthen its probative value.

From the judiciary's perspective, judges have a key role to play in keeping pace with technological advances and encouraging their adoption. Doing so can help ensure that judicial services remain efficient, responsive, and aligned with the realities of an increasingly digital society.

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