

§ 10B-134.17. (Effective July 1, 2024) Security measures by notary; surrender of journal; etc.

- (a) An electronic notary shall comply with all of the following security requirements:
 - (1) All records of journal entries and communication technology recordings shall be securely stored in a depository under the control of the electronic notary or with a custodian duly appointed under the terms of this Part. If a custodian is appointed, the custodian shall be a third-party vendor approved by the Secretary.
 - (2) Take reasonable steps to ensure that the communication technology recordings are secure from unauthorized interception during transmission between participants involved in a electronic notarial act. The communication technology used by the electronic notary shall employ data protection safeguards consistent with generally accepted information security standards.
- (b) Within 10 calendar days of discovering any permanent loss of data, unauthorized use, loss of use, or compromise of security of the electronic journal or the communication technology recordings of remote electronic notarial acts, the remote electronic notary shall do both of the following:
 - (1) Inform the appropriate law enforcement agency in the case of theft, tampering, or vandalism.
 - (2) Notify the register of deeds in the county of the electronic notary's commissioning under G.S. 10B-10 and the Secretary in writing and signed in the official name in which the electronic notary was commissioned. The notice shall indicate whether there was any permanent loss of data, unauthorized use, loss of use, or compromise of security of the electronic journal or the communication technology recordings of remote electronic notarial acts.
- (c) The failure of an electronic notary to produce within the time period set out in the Secretary's request any record required by a rule adopted under this Part shall result in the suspension of the electronic notary's power to act as a notary under the provisions of this Chapter until the Secretary reinstates the notary's commission. (2022-54, s. 1; 2023-57, ss. 2, 9(i).)