SUBCHAPTER 07J – TECHNOLOGY PROVIDER REQUIREMENTS

SECTION .0100 – GENERAL RULES

18 NCAC 07J .0101   DEFINITIONS
For purposes of this Subchapter:
 (1) "Break in service" means:
  (a) the technology provider is subject to a disciplinary action by the Department that:
   (i) restricts its services;
   (ii) suspends its services; or
   (iii) revokes its authorization;
  (b) the technology provider has been denied a subsequent license or approval by the Department;
  (c) the technology provider has not submitted an application to the Department for a renewed license or approval; or
  (d) the technology provider has discontinued providing its authorized solution in North Carolina or support for the solution for any reason.
 (2) "Communication technology recording" means a data file that contains the audio, video, and written communication that occurred during a remote notarial transaction process via the communication technology in a platform.
 (3) "Custodial notary" means an electronic notary public who designates himself or herself as a custodian of the electronic notary's own session records pursuant to 18 NCAC 07H .0504.
 (4) "Cybersecurity incident" means an occurrence defined in G.S. 143B-1320(a)(4a).
 (5) "Depository" means a storage services solution for electronic journal entries and communication technology recordings, if applicable, that is offered by an IPEN solution provider or a platform provider.
 (6) "Electronic notary solution" means any of the following products or services:
  (a) an IPEN solution that is:
   (i) available from an existing technology provider subject to Section .1100 of this Subchapter; or
   (ii) subject to approval pursuant to Rule .1301 of this Subchapter;
  (b) a platform as defined in G.S. 10B-134.1(6) and subject to approval pursuant to Rule .1501 of this Subchapter;
  (c) an identity proofing solution as defined in G.S. 10B-134.1(5) and subject to approval pursuant to Rule .1901 of this Subchapter;
  (d) a credential analysis solution as defined in G.S. 10B-134.1(3) and subject to approval pursuant to Rule .1701 of this Subchapter; and
  (e) custodial services as defined in G.S. 10B-134.1(3a) and subject to approval pursuant to Rule .2101 of this Subchapter.
 (7) "Encryption" shall have the meaning in G.S. 75-61(8).
 (8) "Existing technology providers" means IPEN solution providers approved before the effective date of these rules.
 (9) "Geolocation" means technology that identifies the location of remotely located principals connecting to a platform.
 (10) "Journal convenience copy" means a collection of a notary's electronic journal entries hosted by a depository in an electronic format for use by the notary as a convenience and that may be retained or deleted by the depository at the notary's discretion. The journal convenience copy is not a session record.
 (11) "Key individuals" are those individuals who are identified by a platform provider or an IPEN solution provider as meeting the criteria identified in G.S. 10B-134.19(c)(2).
 (12) "Protocols" or "Department's Scientific, Architectural, and Engineering Protocols for Technology Providers" means a document prepared by the Department and made available to the public that contains scientific, architectural, and engineering standards, forms, or procedures related to information technology for technology providers.

(13)	"Session record" means the electronic journal entries for a notarial session preserved in PDF/A format in accordance with the Department's protocols, including any embedded communication technology recording and associated metadata.

(14)	"Supporting vendor" means a person that provides an electronic service to a technology provider:
    (a)	upon which the provider relies to provide the notarial service for which the provider seeks or has approval or licensure; and
    (b)	that must be reported to the Department pursuant to Rule .0410 of this Subchapter.

(15)	"Transferee" means a custodian that receives a session record from a depository or a custodian.

(16)	"Transferor" means a depository or a custodian that transfers a session record to a custodian.

*History Note:	Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

## 18 NCAC 07J .0102	TECHNOLOGY PROVIDERS LICENSED OR APPROVED

Only authorized technology providers may offer electronic notary solutions to any North Carolina notary public.

*History Note:	Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

## 18 NCAC 07J .0103	MULTIPLE SERVICES

A technology provider that seeks or has authorization for a product or service that offers one or more types of electronic notary solution shall comply with the rules in this Subchapter applicable to each solution.
Note: An IPEN solution that includes credential analysis and identity proofing services is an example of a solution to which this rule applies.

*History Note:	Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

## 18 NCAC 07J .0104	NO TRANSFER OF LICENSE OR APPROVAL

A technology provider shall not assign, transfer, or sell its authorization to offer an electronic notary solution in North Carolina.

*History Note:	Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

## 18 NCAC 07J .0105	PERMISSIBLE PROVIDER DESIGNATIONS

An authorized technology provider may use the applicable following designations for its authorized electronic notary solutions only during the period that each approval or license is effective:
(1)	"approved North Carolina in-person electronic notary solution" or "approved North Carolina IPEN solution";
(2)	"licensed North Carolina electronic notary platform";
(3)	"approved North Carolina identity proofing solution";
(4)	"approved North Carolina credential analysis solution"; and
(5)	"approved North Carolina custodial services solution."
Note: An authorized technology provider may use "NC" or "N.C." as well as "North Carolina."

*History Note:	Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

## 18 NCAC 07J .0106	AUTHORIZATION DOES NOT MEAN ENDORSEMENT

A technology provider shall not state or imply that the Department endorses the services of the technology provider.

18 NCAC 07J .0107   TIMELY RESPONSE REQUIRED

A technology provider or applicant shall respond to any inquiry from the Department in the manner and within the time set by the Department. Extensions may be requested and granted pursuant to 18 NCAC 07B .0313 and .0314, respectively.

18 NCAC 07J .0108   SUBPOENA OR WARRANT

Within three business days after receiving a subpoena, warrant, or court order that is related to a notary public's records, a technology provider shall notify the notary in writing of the subpoena, warrant, or court order, unless:
  (1)   the subpoena, warrant, or court order is issued in relation to an investigation by the Department pursuant to G.S. 10B-60; or
  (2)   notice is otherwise prohibited by law.

18 NCAC 07J .0109   SERVICE LEVEL AGREEMENT

A technology provider's service level agreement shall include:
  (1)   guaranteed uptime for the electronic notary solution; and
  (2)   terms and conditions for crediting or reimbursing a notary public for unscheduled service outages.

18 NCAC 07J .0110   ADVERTISING RESTRICTION

A technology provider shall not display any of the following on screen during an electronic notarial transaction:
  (1)   its own logos or those of another;
  (2)   its own symbols or those of another;
  (3)   advertising for itself or others; or
  (4)   pre-recorded audio or video.
Note: Display of text from chats between transaction participants or text from a CART captioner shall not constitute a violation of this Rule.

18 NCAC 07J .0111   COMPLIANCE WITH TECHNOLOGY PROVIDER PROTOCOLS REQUIRED

Technology providers shall comply with applicable provisions of the Department's Scientific, Architectural, and Engineering Protocols for Technology Providers. The protocols may be accessed on the Department's website at no cost.

18 NCAC 07J .0112   IMPLEMENTATION OF POLICIES AND PLANS
A technology provider shall implement all plans and policies required by the rules in this Subchapter.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0113   CONTINUITY OF SERVICE
In the event of a break in service, a technology provider shall, pursuant to Rule .0207 of this Subchapter, ensure that notaries public using its authorized services:
      (1)   have continuous access to the notaries' records; and
      (2)   have assistance, if requested by a notary public, to transfer the notary's records to an approved custodian.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0114   WHEN PROVIDER MAY USE INFORMATION
Facilitating a notarial transaction and mitigating fraud are the only reasons that a technology provider or its supporting vendor may use, disclose, or permit disclosure of information that has not been anonymized and that is specific to:
      (1)   the contents of a notarial transaction;
      (2)   a transaction participant;
      (3)   credentials of a notarial transaction participant; or
      (4)   a notarial transaction record or electronic record.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0115   WHEN PROVIDER MAY RETAIN BACKUP COPIES OF DATA
A technology provider may retain backup copies of data associated with the notarial transaction process longer than the retention period otherwise specified in this Subchapter only if:
      (1)   the backup copies of the data are retained offline;
      (2)   the provider has a backup retention policy; and
      (3)   the offline backup copies are securely deleted in accordance with the provider's backup policy.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0116   DATA DELETION REQUIREMENT
A technology provider shall securely delete data upon the finalization of the notarial session record if there is no retention requirement in the rules in this Subchapter.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

SECTION .0200 – NOTICES REQUIRED FROM TECHNOLOGY PROVIDERS

18 NCAC 07J .0201   NOTICE OF MATERIAL CHANGE TO ELECTRONIC NOTARY SOLUTION
(a) After authorization by the Department and before implementation, a technology provider shall notify the Department of any material change to its authorized electronic notary solution.
(b) For purposes of this Section, a material change is one affecting the electronic notary solution's core:

(1)	functionality;
(2)	security; or
(3)	reliability.

18 NCAC 07J .0202   IMPLEMENTATION OF MATERIAL CHANGES PROHIBITED PENDING DEPARTMENTAL APPROVAL

No material change to an electronic notary solution shall be implemented and offered to a notary public until the technology provider:

(1)	files written notice pursuant to the rules in this Section;
(2)	complies with Section .0500 of this Subchapter; and
(3)	receives approval from the Department upon its determination that the material change does not adversely affect the provider's continued compliance with the standards established in the rules in this Subchapter and the Protocols.

18 NCAC 07J .0203   NOTICE TO DEPARTMENT OF BUSINESS INFORMATION CHANGES

After authorization by the Department, a technology provider shall provide written notice to the Department:

(1)		within five business days of changes to:
	(a)	the information required by 18 NCAC 07B .0402(2);
	(b)	the information required by 18 NCAC 07B .0402(3);
	(c)	conversion to an alternate type of business entity;
	(d)	conversion to a foreign entity;
	(e)	failure to remain active and current with the Department's Business Registration Division;
	(f)	merger with another business entity;
	(g)	filing of a bankruptcy petition; or
	(h)	a change in the technology provider's controlling ownership; and
(2)		within 45 calendar days of changes to any other information on the provider's application for authorization.

18 NCAC 07J .0204   CONTENTS OF NOTICE OF CHANGES

A technology provider's written notice pursuant to Rule .0203 of this Section shall state:

(1)	what has changed; and
(2)	the correct information after the change.

18 NCAC 07J .0205   NOTICE TO NOTARIES OF PLANNED SERVICE OUTAGES

(a) A technology provider shall provide at least five calendar days' notice to its subscribers and electronic notaries public that its systems will be unavailable due to planned maintenance.

(b) The notice required under Paragraph (a) of this Rule shall include:
  (1) the date that the service will begin to be unavailable; and
  (2) the approximate amount of time during which the service is expected to be unavailable.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
  Eff. July 1, 2025.

18 NCAC 07J .0206   SERVICE OUTAGE NOTIFICATION TO THE DEPARTMENT

As specified in the Department's authorization letter, a technology provider shall notify the Department immediately of any service outage or lack of accessibility to notaries public:
  (1) when the outage exceeds four consecutive hours; and
  (2) when service to notaries is restored.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
  Eff. July 1, 2025.

18 NCAC 07J .0207   NOTICE TO NOTARIES OF BREAK IN SERVICE

A technology provider subject to Rule .0114 of this Subchapter shall notify notaries public using its authorized services within three days of the occurrence of a break in service and include:
  (1) the reason for the break in service;
  (2) whether the break in service is for a specific time period or is permanent;
  (3) whether the notaries:
    (a) can continue using the provider's authorized services:
      (i) with limits and what the limits are; or
      (ii) without limits; or
    (b) cannot continue to use the provider's authorized services and, where the provider is a depository or custodian:
      (i) will have 60 days to transfer any records maintained by the provider to a custodian; and
      (ii) that the notaries may continue to access the records maintained by the provider until they are transferred; and
  (4) any actions the provider requires the notaries to take.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
  Eff. July 1, 2025.

18 NCAC 07J .0208   NOTICE OF REPORTABLE INCIDENT

(a) Within 72 hours of discovery of a reportable incident, a technology provider shall notify the Department.

(b) For purposes of the rules in this Section of this Subchapter, a reportable incident is one that involves:
  (1) a technology provider's electronic notary solution, a notary public's records, an electronic notary's electronic seal or signature, or a principal's records or information;
  (2) any of the following affecting data or access:
    (A) unauthorized access, use, alteration, or disclosure;
    (B) theft;
    (C) loss; or
    (D) compromise; or
  (3) a cybersecurity incident.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
  Eff. July 1, 2025.

18 NCAC 07J .0209   CONTENT OF NOTIFICATION TO DEPARTMENT
Notification to the Department pursuant to Rule .0208 of this Section shall include the following information when available:

      (1)   the names of the affected notaries public including their notary commission numbers;
      (2)   a description of the affected records, data, or solution;
      (3)   a copy of any law enforcement report made in connection with the incident;
      (4)   a description of how the reportable incident occurred;
      (5)   the duration of the reportable incident;
      (6)   a description of actions taken to prevent or mitigate a similar reportable incident;
      (7)   when the reportable incident occurred; and
      (8)   a point of contact for the technology provider who has knowledge of:
            (a)   the reportable incident;
            (b)   actions taken to address the reportable incident; and
            (c)   actions to be taken to address the reportable incident.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
                      10B-134.21; 10B-134.23;
                      Eff. July 1, 2025.

18 NCAC 07J .0210   NOTIFICATION TO OTHER PARTIES
Technology providers shall notify affected persons of a reportable incident as required by applicable law, rule, or regulation. Note: The Identity Theft Protection Act, Chapter 75, Article 2A of the General Statutes is an example of an applicable law.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
                      10B-134.21; 10B-134.23;
                      Eff. July 1, 2025.

18 NCAC 07J .0211   VERIFICATION OF CONTINUING COMPLIANCE
A technology provider shall:

      (1)   annually verify its compliance with the rules in this Subchapter for each approved electronic notary solution, by submitting the form in 18 NCAC 07B .0429; or
      (2)   submit notice that it will not apply again pursuant to Rule .0215 of this Subchapter.

Item (1) of this Rule shall not apply to licensed platforms.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
                      10B-134.21; 10B-134.23;
                      Eff. July 1, 2025.

18 NCAC 07J .0212   TIMING OF VERIFICATION OF CONTINUING COMPLIANCE
A technology provider's verification of compliance pursuant to Rule .0211 of this Section shall be submitted to the Department:

      (1)   no more than 60 days before the expiration of its approval; or
      (2)   as part of its application for a subsequent approval.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
                      10B-134.21; 10B-134.23;
                      Eff. July 1, 2025.

18 NCAC 07J .0213   DUE DILIGENCE
A technology provider's verification pursuant to Rule .0211 of this Section shall be made only after the exercise of due diligence to enable the signer to comply with Rule .0214 of this Section.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
                      10B-134.21; 10B-134.23;

18 NCAC 07J .0214 **SIGNER OF VERIFICATION**
A technology provider's verification pursuant to Rule .0211 of this Section shall be signed by a person with the authority to bind the provider and who certifies under penalty of perjury that the information on the form is true and complete to the best of the signer's knowledge and belief.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0215 **NOTICE TO DEPARTMENT THAT PROVIDER WILL NOT RENEW**
At least 90 days before its existing authorization expires, a technology provider shall notify the Department in writing:
    (1)   if it declines to apply for a subsequent authorization of its electronic notary solution;
    (2)   the date on which it will cease offering its electronic notary solution to North Carolina notaries public; and
    (3)   that it has complied with Rule .0216 of this Section.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0216 **NOTICE TO SUBSCRIBERS AND NOTARIES OF NONRENEWAL**
No later than the date that a technology provider gives notice to the Department pursuant to Rule .0215 of this Section, the provider shall:
    (1)   notify each subscriber and notary public account holder in writing that it will cease offering its electronic notary solution to North Carolina notaries public;
    (2)   specify the date on which it will cease offering its electronic notary solution; and
    (3)   comply with the rules in this Subchapter regarding notary access to records and transfer of records to a custodian.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

SECTION .0300 – GENERAL APPLICATION PROCEDURES

18 NCAC 07J .0301 **APPLICATION PROCESS**
A technology provider applicant for authorization of an electronic notary solution shall:
    (1)   submit a complete electronic application to the Department;
    (2)   demonstrate the electronic notary solution to the Department to enable it to evaluate compliance with applicable laws, rules, and protocols; and
    (3)   submit the filing fee, if applicable, with the application.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0302 **SEPARATE APPLICATIONS FOR EACH SOLUTION TYPE**
A technology provider shall complete an application designating each type of electronic notary solution for which it seeks authorization.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0303   APPLICATION FEES
(a) Each application for a platform license shall be accompanied by a non-refundable five thousand dollar ($5,000) fee pursuant to G.S. 10B-134.19(b).
(b) No fee is required to accompany an application for any other electronic notary solution.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0304   BINDING REPRESENTATIONS IN APPLICATION
All representations, promises and assurances of performance made to the Department by a technology provider during the application process shall be binding and made under penalty of perjury.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0305   LIMIT ON DESIGNATION OF TRADE SECRET OR CONFIDENTIAL INFORMATION
A technology provider applicant shall not designate its entire application as:
      (1)   a trade secret; or
      (2)   confidential information.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0306   DESIGNATION OF CONFIDENTIAL OR TRADE SECRET INFORMATION
A technology provider applicant shall designate each specific item on its application, attachments, and other filings for which confidentiality or trade secret protection is claimed. Each designation shall comply with:
      (1)   the North Carolina Trade Secrets Protection Act, Chapter 66, Article 24 of the General Statutes; or
      (2)   the confidentiality provisions of G.S. 132-1.2.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0307   REDACTED COPY
A technology provider applicant that designates information as confidential or trade secret shall submit:
      (1)   the unredacted filing with the confidential and trade secret designations; and
      (2)   an exact duplicate of the filing with redactions of the confidential and trade secret information.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0308   DESIGNATION OF REDACTED COPY
For any redacted document submitted pursuant to Rule .0307 of this Section, a technology provider applicant shall include the word "redacted" in:
      (1)   the document title;
      (2)   the document digital file name; and
      (3)   a header on each page.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;
10B-134.21; 10B-134.23;

18 NCAC 07J .0309   GOOD FAITH BASIS FOR CONFIDENTIAL OR TRADE SECRET DESIGNATION

If a technology provider designates items on its application as confidential or trade secret, the applicant shall certify on the application that it has formed a good faith opinion that the information claimed as confidential or trade secret meets the requirements for designation under the laws specified in Rule .0306 of this Section.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0310   SOURCES OF CONFIDENTIAL INFORMATION

If designated as confidential or trade secret, the Department shall presume that the following plans and documents are confidential information or trade secrets:

        (1)   configuration management plan required by Rule .0616 of this Subchapter;
        (2)   information technology security audit and summary required by Rules .0620 and .0621 of this Subchapter;
        (3)   security plan required by Rule .0624 of this Subchapter;
        (4)   security incident response plan required by Rule .0626 of this Subchapter; and
        (5)   contingency plan required by Rule .0628 of this Subchapter.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0311   APPLICATION CHANGES PRIOR TO LICENSURE OR APPROVAL

If information in a technology provider's application changes before the Department's decision on the application, the provider shall inform the Department in writing, and:

        (1)   state what has changed; and
        (2)   state the correct information after the change.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0312   APPLICATION WITHDRAWAL

A technology provider applicant may withdraw its application:

        (1)   before receiving notice of the Department's decision on its application; and
        (2)   by providing written notice:
                (a)   with the effective date of the withdrawal; and
                (b)   signed by a person with the authority to bind the applicant.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0313   APPLICATION RESUBMISSION

A technology applicant may resubmit its application without a new application fee if the resubmission is delivered within 45 days of:

        (1)   the application initially being rejected as incomplete; or
        (2)   the application being withdrawn.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0314   NOTICE OF DEPARTMENT DECISION
The Department shall notify a technology provider applicant whether its application is:
        (1)   rejected as incomplete, with:
                (a)   information regarding the areas in which the application is incomplete; and
                (b)   a time within which the application must be amended to include the information;
        (2)   denied, in which case the Department shall provide reasons for the denial; or
        (3)   approved.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
                         10B-134.21; 10B-134.23;
                         Eff. July 1, 2025.

18 NCAC 07J .0315   TIMING OF SUBMISSION OF APPLICATION FOR SUBSEQUENT AUTHORIZATION
A technology provider's application for a subsequent authorization shall be submitted:
        (1)   no earlier than 120 days before its existing authorization expires; and
        (2)   no later than 90 days before its existing authorization expires.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
                         10B-134.21; 10B-134.23;
                         Eff. July 1, 2025.

SECTION .0400 – GENERAL APPLICATION CONTENTS

18 NCAC 07J .0401   CONTENTS OF ALL TECHNOLOGY PROVIDER APPLICATIONS
All technology provider applicants shall submit applications that include the information required by:
        (1)   this Section; and
        (2)   18 NCAC 07B .0422.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
                         10B-134.21; 10B-134.23;
                         Eff. July 1, 2025.

18 NCAC 07J .0402   PROVIDER NAME
All technology provider applications shall include:
        (1)   the provider's name in its state or jurisdiction of formation as required by 18 NCAC 07B .0402(2)(a); and
        (2)   the names required by 18 NCAC 07B .0422(3)(c) and (d).

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
                         10B-134.21; 10B-134.23;
                         Eff. January 1, 2007;
                         Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
                         Transferred from 18 NCAC 07C .0502 Eff. June 1, 2023;
                         Amended Eff. July 1, 2025.

18 NCAC 07J .0403   CONTACT INFORMATION
A technology provider's application shall include the contact information required by 18 NCAC 07B .0402.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
                         10B-134.21; 10B-134.23;
                         Eff. July 1, 2025.

18 NCAC 07J .0404   CERTIFICATION OF STANDING
A technology provider applicant shall certify in its application that it:
  (1)   is currently registered to do business in North Carolina or has a certificate of authority to do business in North Carolina; and
  (2)   is in current-active status with the Department and the business registrar in the jurisdiction where formed, if not North Carolina.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0405   NOTARY SERVICES IN OTHER JURISDICTIONS
A technology provider applicant's application shall provide the following information for each state, federally recognized tribe, or nation in which it has offered the same or similar services within the previous 10 years:
  (1)   the types of service provided;
  (2)   the month and year in which the technology provider received its most recent license or approval or a statement that a license or approval is not required;
  (3)   the expiration date of the most recent required license, approval, or equivalent, if any;
  (4)   whether any application for a required license, approval, or equivalent has been denied;
  (5)   whether the applicant has discontinued a service and if applicable:
        (a)   an explanation of the discontinuance of the service; and
        (b)   the month and year in which the applicant discontinued services; and
  (6)   for any open, pending, or active governmental or authorizing entity's investigations in relation to the applicant's provision of services in another jurisdiction and of which the applicant is aware at the time of application:
        (a)   the name of the governmental or authorizing entity; and
        (b)   a brief description of what the applicant believes is being investigated.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0406   COMPLIANCE CONTACT
A technology provider applicant shall name a compliance contact on its application who shall:
  (1)   be an employee;
  (2)   be a key individual;
  (3)   successfully complete the Department's electronic notary public course; and
  (4)   successfully complete the Department's technology provider course.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0407   COMPLIANCE CONTACT DUTIES
A technology provider's compliance contact shall, for the duration of the provider's authorization:
  (1)   have the duty to monitor the provider's compliance with:
        (a)   Chapter 10B of the General Statutes; and
        (b)   the rules in this Chapter;
  (2)   ensure that notices are provided to the Department as required by the rules in this Subchapter; and
  (3)   receive notices from the Department made pursuant to the rules in this Chapter.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0408   **THIRD-PARTY VENDORS INCLUDED IN ELECTRONIC NOTARY SOLUTION**

A technology provider applicant shall list on its application any third-party vendors providing services to the technology provider in connection with the electronic notary solution for which it seeks authorization.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0409   THIRD-PARTY VENDOR INFORMATION

A technology provider applicant shall provide the following information for each third-party vendor listed on its application:
      (1)   the type of service that the vendor provides to the applicant; and
      (2)   which, if any, of the third-party vendors used by the solution are:
            (a)   currently approved by the Department;
            (b)   currently under consideration for approval by the Department; or
            (c)   being submitted by the applicant with its application for approval by the Department.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0410   SUPPORTING VENDORS

A technology provider applicant shall list on its application any supporting vendors providing the following services to the technology provider in connection with the electronic notary solution for which it seeks authorization:
      (1)   cloud services;
      (2)   geolocation services;
      (3)   communication technology;
      (4)   communication recording technology;
      (5)   electronic journal;
      (6)   digital certificate authorities; and
      (7)   electronic signature and electronic seal.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0411   SUPPORTING VENDOR INFORMATION

A technology provider applicant shall specify the type of service provided by each supporting vendor listed on its application.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0412   VENDORS WITH ACCESS TO NOTARIAL TRANSACTION DATA

A technology provider applicant shall disclose on its application the names of all vendors, business entities, and any of their affiliates that will have access to notarial transaction data when at rest.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0413   DISCLOSURE OF CERTIFICATIONS AND COMPLIANCE REPORTS

A technology provider applicant shall disclose on its application each independent third-party certification, SOC 2 Type 2 compliance report, or equivalent pertaining to the electronic notary solution for which authorization is sought, with:
  (1) the name of the issuer of the certification, compliance report, or equivalent;
  (2) the name or title of the certification, compliance report, or equivalent;
  (3) the date of its issuance; and
  (4) its expiration date, if applicable.
Note: FIPS validation, NSA approval, FedRAMP, ISO 27001, or HITRUST are examples of an independent third-party certification or equivalent.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0414 DISCLOSURE OF DEBARMENTS

A technology provider applicant shall disclose on its application if it or any of its key individuals is now or has ever been the subject of a debarment by a state, federally recognized tribe, or nation, and for each:
  (1) whether the debarment was for the applicant or a key individual, and the name of the key individual;
  (2) the name of each government that debarred the applicant or the key individual;
  (3) an explanation of the reason for each debarment; and
  (4) the start and end dates of each debarment.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0415 DISCLOSURE OF VOLUNTARY EXCLUSIONS IN LIEU OF DEBARMENT

A technology provider applicant shall disclose on its application:
  (1) whether, within 10 years of its application, the applicant or any of its key individuals have agreed to voluntary exclusion in lieu of debarment being taken against it or any of its key individuals by a state, federally recognized tribe, or nation; and
  (2) for each disclosed voluntary exclusion of the applicant or its key individuals:
    (a) the name of the person for whom any voluntary exclusion was agreed to;
    (b) the name of each governmental entity for which the applicant or the key individual agreed to voluntary exclusion in lieu of debarment;
    (c) an explanation of the reason for each voluntary exclusion; and
    (d) the start and end dates of each voluntary exclusion.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0416 DISCLOSURE OF CIVIL LEGAL ACTIONS

A technology provider applicant shall disclose on its application all findings in civil legal actions, including arbitration:
  (1) made within 10 years of its application date;
  (2) that are against the applicant or any of its key individuals for:
    (a) activity involving dishonesty, untruthfulness, deceit, fraud, false dealing, cheating, stealing, or insider trading;
    (b) mishandling or misuse of customer data; or
    (c) failure of the platform to perform as warranted.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0417 **CONTENT OF CIVIL LEGAL ACTION DISCLOSURES**
A technology provider's application disclosure pursuant to Rule .0416 of this Section shall include:
  (1) a description of each finding or admission;
  (2) a copy of the document containing the finding or admission;
  (3) a brief description of the circumstances surrounding the finding or admission;
  (4) if not included in the document in Item (2) of this Rule:
    (a) the date on which the finding or admission was made;
    (b) the court in which the civil lawsuit was filed; and
    (c) the case name and docket number; and
  (5) any additional information that the applicant wishes the Department to consider.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0418 **DISCLOSURE OF DISCIPLINARY ACTIONS**
A technology provider shall disclose on its application any disciplinary actions:
  (1) taken against it or any of its key individuals by any state, federally recognized tribe, or nation's government; and
  (2) concluded within 10 years of the application date.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0419 **CONTENT OF DISCIPLINARY ACTION DISCLOSURES**
For each disciplinary action listed pursuant to Rule .0418 of this Section, a technology provider shall disclose:
  (1) the date of each disciplinary action;
  (2) the disciplinary action taken;
  (3) a copy of each disciplinary action;
  (4) if not included in the copy of the disciplinary action provided:
    (a) the reason given for the disciplinary action;
    (b) an explanation of the circumstances that led to the disciplinary action; and
    (c) the name of the issuing entity;
  (5) where the disciplinary action included any corrective action or conditions:
    (a) whether the applicant or key individual has complied with the corrective actions or conditions; and
    (b) the date on which compliance with the corrective actions or conditions was satisfied;
  (6) whether the applicant or key individual would be eligible for relicensure or recommissioning; and
  (7) other information that the applicant wishes to include in order to aid the Department in assessing the application.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0420 **DISCLOSURE OF BANKRUPTCY**
A technology provider applicant shall disclose on its application whether the applicant is in, or has previously exited within the past 10 years, bankruptcy proceedings pursuant to the laws of the United States or other nation.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0421 **CONTENTS OF BANKRUPTCY DISCLOSURE**

A technology provider applicant that discloses a bankruptcy pursuant to Rule .0420 of this Section shall state:
  (1)   the status of the matter;
  (2)   the style of the case, including the case number; and
  (3)   the court in which the bankruptcy was filed.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0422   WEBSITE INFORMATION
The application of a technology provider applicant shall include:
  (1)   the single URL link required by Rule .0607 of this Subchapter; and
  (2)   the form required by 18 NCAC 07B .0422(6).

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0423   IT SECURITY AUDIT SUMMARY
The application of a technology provider applicant shall include:
  (1)   how often the applicant conducts IT security audits; and
  (2)   the IT security audit summary required by Rule .0621 of this Subchapter.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

SECTION .0500 – TECHNOLOGY DEMONSTRATION

18 NCAC 07J .0501   SOLUTION AVAILABILITY REQUIRED
After submitting its application, a technology provider applicant shall make its electronic notary solution available to the Department for evaluation as specified in the rules in this Subchapter.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0502   DEMONSTRATION CONTENT
A technology provider's demonstration of its electronic notary solution shall establish that the features, functionality, and instructional materials for users comply with the rules in this Subchapter.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0503   DEMONSTRATION TO INCLUDE USE OF SOLUTION IN NOTARIAL TRANSACTION
A technology provider's demonstration of its electronic notary solution shall include a step-by-step exhibition of how the electronic notary solution will be used for notarial transactions.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0504   ADDITIONAL DEMONSTRATIONS

Upon request by the Department, a technology provider applicant shall provide additional demonstrations of its electronic notary solution to establish:

      (1)   resolution of issues identified in a prior demonstration; and

      (2)   compliance with the rules in this Subchapter.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
                             10B-134.21; 10B-134.23;
                             Eff. July 1, 2025.

18 NCAC 07J .0505   WAIVER OF DEMONSTRATION REQUIREMENT

The Department may waive the requirement that a technology provider applicant provide the demonstration required by Rule .0501 of this Section based upon the factors in 18 NCAC 07B .0108.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
                             10B-134.21; 10B-134.23;
                             Eff. July 1, 2025.

SECTION .0600 – TECHNOLOGY PROVIDER STANDARDS

18 NCAC 07J .0601   SCOPE

The rules in this Section apply to electronic notary solutions.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-*
                             134.21; 10B-134.23;
                             Eff. January 1, 2007;
                             Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December
                             6, 2016;
                             Transferred from 18 NCAC 07C .0503 Eff. June 1, 2023;
                             Amended Eff. July 1, 2025.

18 NCAC 07J .0602   NOTARY ACCOUNT ACCESS

A technology provider shall ensure that only the notary public, the technology provider, or a person authorized by law can access the notary's:

      (1)   account information;

      (2)   journals;

      (3)   communication technology recordings;

      (4)   session records; or

      (5)   metadata associated with the notarial transaction.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
                             10B-134.21; 10B-134.23;
                             Eff. July 1, 2025.

18 NCAC 07J .0603   REQUIRE NOTARY MULTI-FACTOR AUTHENTICATION

A technology provider shall require multi-factor authentication before a notary public may access the notary's account.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
                             10B-134.21; 10B-134.23;
                             Eff. July 1, 2025.

18 NCAC 07J .0604   INACTIVITY WARNING TIMING

A technology provider's electronic notary solution shall issue a warning on screen to a notary public:

      (1)   who is logged into the notary's account; and

      (2)   has been inactive longer than 15 minutes.

18 NCAC 07J .0605   PROVIDER ACTION AFTER WARNING

No more than five minutes after the on screen warning in Rule .0604 of this Section, a technology provider's electronic notary solution shall:

      (1)   determine whether there has been activity by the notary public in that five minutes; and

      (2)   log the notary out if there has been no activity.

18 NCAC 07J .0606   TECHNOLOGY PROVIDER WEB PAGE

A technology provider shall create a publicly accessible web page or pages containing the information required by Rule .0607 of this Section.

18 NCAC 07J .0607   SINGLE LINK AND SUBMISSION TO DEPARTMENT

A technology provider shall ensure that the website page or pages required by Rule .0606 of this Section and website content required by Rule .0608 of this Section are accessible through a single link provided to the Department:

      (1)   for inclusion on the Department's authorized technology provider web page; and

      (2)   with any sub-pages directly accessible through the single linked page.

18 NCAC 07J .0608   WEBSITE CONTENT

A technology provider's website shall include the following content in the order set out in this Rule:

      (1)   the provider's name;

      (2)   the provider's contact information, including:

           (a)   a general telephone number;

           (b)   a sales number, if different; and

           (c)   a support or help desk number;

      (3)   the types of authorized electronic notary solution offered and each product name;

      (4)   if applicable, a notice that North Carolina notaries may use only electronic notary solutions authorized by the Department;

      (5)   a product description, including the functions offered;

      (6)   service sectors served by the products described;

      (7)   the minimum technical specifications for use of the electronic notary solution by:

           (a)   a notary public;

           (b)   a principal; and

           (c)   other participants in an electronic notarial transaction;

      (8)   a direct link to the service level agreement required by Rule .0109 of this Subchapter;

      (9)   either the disclosures required by the following rules in this Subchapter or a link to those disclosures:

           (a)   Rule .1208;

           (b)   Rule .1427;

           (c)   Rule .1613;

           (d)   Rule .1812; and

(e)   Rule .2021;
(10)   either the instructions for use and demonstrations or tutorials or links to them; and
(11)   other information that the provider wishes to provide, such as pricing.

18 NCAC 07J .0609   UPDATING SINGLE LINK URL

A technology provider shall notify the Department within five business days of a change in the URL of the information required by Rule .0606 of this Section.

18 NCAC 07J .0610   ENCRYPTION OF DATA

A technology provider shall securely encrypt data while it is at rest and in transit.

18 NCAC 07J .0611   DATA STORED DOMESTICALLY

A technology provider shall:
(1)   store all data associated with the notarial transaction process in the United States while the data is at rest; and
(2)   certify compliance with Item (1) of this Rule:
        (a)   on its initial and subsequent applications; and
        (b)   on its verification of compliance pursuant to Rule .0211 of this Subchapter, if applicable.

18 NCAC 07J .0612   DATA STORAGE FACILITY REQUIREMENTS

A technology provider shall store all data associated with a notarial session in facilities that are:
(1)   climate-controlled; and
(2)   secure from unauthorized physical access.

18 NCAC 07J .0613   DATA CENTER SECURITY

A technology provider shall ensure that each data center it uses has physical security measures in place that include:
(1)   restricting physical system access to personnel authorized by the provider to access the data center's system;
(2)   monitoring and logging physical access to the data center's information systems;
(3)   maintaining the physical access logs for five years; and
(4)   monitoring and responding to:
        (a)   physical intrusion alarms; and
        (b)   surveillance system observations and alerts.

Eff. July 1, 2025.

18 NCAC 07J .0614   CERTIFICATION RE DATA CENTER SECURITY
A technology provider shall certify its compliance with Rules .0612 and .0613 of this Section on its:
  (1) initial and subsequent applications; and
  (2) verification of compliance pursuant to Rule .0211 of this Subchapter, if applicable.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;
     10B-134.21; 10B-134.23;
     Eff. July 1, 2025.

18 NCAC 07J .0615   MAINTENANCE OF SOFTWARE AND HARDWARE
A technology provider's hardware, software, and firmware for systems supporting the electronic notary solution shall:
  (1) not be classified as end-of-life by their manufacturers;
  (2) still be eligible for vendor security patches; and
  (3) comply with the "N-1" principle that states that all systems should be running either the newest stable release or one version prior to that release.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;
     10B-134.21; 10B-134.23;
     Eff. July 1, 2025.

18 NCAC 07J .0616   CONFIGURATION MANAGEMENT PLAN
A technology provider shall maintain a configuration management plan for systems supporting the electronic notary solution that addresses:
  (1) maintenance of an accurate inventory of items including:
    (a) software;
    (b) hardware; and
    (c) network components;
  (2) implementation of configuration settings which represent the most restrictive security settings compatible with the systems' operational requirements;
  (3) use of automated mechanisms to detect inventory and configuration changes;
  (4) prevention of unauthorized changes to the systems; and
  (5) evaluation of the potential security impact of proposed changes.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;
     10B-134.21; 10B-134.23;
     Eff. July 1, 2025.

18 NCAC 07J .0617   IDENTIFICATION AND ACCESS CONTROL
A technology provider shall implement personnel identification and access control measures for systems supporting the electronic notary solution that:
  (1) designate and authorize users;
  (2) assign access to its data and systems based on users' roles;
  (3) restrict non-privileged users from performing privileged functions;
  (4) review, manage, and monitor users' role-based access;
  (5) restrict notarial transaction process-related data access to authorized persons; and
  (6) delete, revise, or remove access for users:
    (a) whose role changes; or
    (b) who are no longer employed with the provider.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;
     10B-134.21; 10B-134.23;
     Eff. July 1, 2025.

18 NCAC 07J .0618   IDENTIFICATION AND ACCESS CONTROL BY THIRD-PARTY VENDORS AND SUPPORTING VENDORS

A technology provider shall confirm that each of its third-party and supporting vendors maintain and implement identification and access control measures equivalent to or more stringent than those required by Rule .0617 of this Section.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0619   VULNERABILITY DETECTION AND REMEDIATION

A technology provider shall:
    (1)   at least weekly execute or cause to be executed a third party security program which shall evaluate each system endpoint for indications of malware, known security risks, and other vulnerabilities; and
    (2)   detect and remediate IT security vulnerabilities.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0620   IT SECURITY AUDIT

A technology provider shall have a third-party audit of its IT security conducted at least once every three years:
    (1)   sufficient to comply with Rule .0622 of this Section; and
    (2)   by Certified Information Systems Auditors or the equivalent.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0621   SUMMARY OF IT SECURITY AUDIT

A technology provider shall provide a summary to the Department of its most recent IT security audit, which shall not be more than three years old:
    (1)   on its initial and subsequent applications; and
    (2)   on its verification of compliance pursuant to Rule .0211 of this Section, if applicable.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0622   CONTENTS OF IT SECURITY AUDIT SUMMARY

(a) The IT audit summary provided to the Department pursuant to Rule .0620 of this Section shall include:
    (1)   the date of the audit;
    (2)   the third-party audit standards by which the audit was conducted;
    (3)   the name, contact information, and title or role of a representative of the organization conducting the audit;
    (4)   the IT security audit findings; and
    (5)   any plan of action including a timeline to address all findings.
(b) For purposes of this Rule, "finding" means:
    (1)   a deficiency in internal control;
    (2)   noncompliance with applicable laws and rules; or
    (3)   instances of fraud.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0623   CYBERSECURITY INCIDENT PREVENTION
A technology provider shall take steps to prevent cybersecurity incidents by:
        (1)   logging and monitoring access to the system; and
        (2)   detecting, tracking, and addressing security flaws.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
                       10B-134.21; 10B-134.23;
                       Eff. July 1, 2025.

18 NCAC 07J .0624   SECURITY PLAN
A technology provider shall maintain a security plan specifying how it will comply with laws, rules, and the Department's protocols related to:
        (1)   physical security; and
        (2)   IT security.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
                       10B-134.21; 10B-134.23;
                       Eff. July 1, 2025.

18 NCAC 07J .0626   SECURITY INCIDENT RESPONSE PLAN
A technology provider shall maintain a security incident response plan that:
        (1)   addresses the capabilities required by the rules in this Section;
        (2)   includes annual testing; and
        (3)   is revised annually, as needed.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
                       10B-134.21; 10B-134.23;
                       Eff. July 1, 2025.

18 NCAC 07J .0627   CYBERSECURITY INCIDENT RESPONSE
A technology provider shall:
        (1)   detect and respond to any cybersecurity incident;
        (2)   store evidence related to a cybersecurity incident in a manner that:
                (a)   establishes chain of custody; and
                (b)   preserves chain of custody; and
        (3)   retain security logs and other data related to cybersecurity incidents and response for at least three years.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
                       10B-134.21; 10B-134.23;
                       Eff. July 1, 2025.

18 NCAC 07J .0628   CONTINGENCY PLAN REQUIREMENT
A technology provider shall maintain a contingency plan for recovery to a functional state in the event of a cybersecurity incident or other service disruption of:
        (1)   its authorized electronic notary solutions;
        (2)   the following businesses upon which its electronic notary solutions are reliant:
                (a)   critical infrastructure companies, as defined in G.S. 166A-19.70A; and
                (b)   supporting vendors listed pursuant to Rule .0410 of this Subchapter.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
                       10B-134.21; 10B-134.23;
                       Eff. July 1, 2025.

18 NCAC 07J .0629   CONTENTS OF CONTINGENCY PLAN

A technology provider's contingency plan shall include:
    (1)   the manner in which it will recover its authorized services to a functional state;
    (2)   a projected timeline for recovery to a functional state; and
    (3)   required notices to the Department and notaries public pursuant to Section .0200 of this Subchapter.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
                      Eff. July 1, 2025.

SECTION .0700 – ELECTRONIC SIGNATURE AND SEAL STANDARDS

18 NCAC 07J .0701   APPLICATION OF ELECTRONIC SEAL
An electronic notary seal shall be applied only by an electronic notary using an IPEN or platform provider's electronic notary solution.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
                      Eff. July 1, 2025.

18 NCAC 07J .0702   COMPLIANCE WITH ELECTRONIC SIGNATURE AND SEAL RULES
An IPEN or platform provider's electronic notary solution shall enable an electronic notary public to comply with the following rules:
    (1)   18 NCAC 07F Section .0700, Electronic Notary Signature;
    (2)   18 NCAC 07F Section .0800, Electronic Notary Seal; and
    (3)   18 NCAC 07F Section .1000, Confidentiality, Security, and Records Retention.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
                      Eff. July 1, 2025.

18 NCAC 07J .0703   APPLICATION OF ELECTRONIC SIGNATURE
An IPEN or platform provider's electronic notary solution shall enable an electronic notary public to affix the electronic notary's electronic signature on an electronic notarial certificate.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
                      Eff. July 1, 2025.

18 NCAC 07J .0704   ELECTRONIC SIGNATURE APPEARANCE
An IPEN or platform provider's electronic notary solution shall enable an electronic notary public to apply the electronic notary's electronic signature to an electronic record being notarized only if:
    (1)   the electronic signature is an exact copy of the electronic notary's handwritten signature delivered pursuant to Rules .1201 and .1410 of this Subchapter; or
    (2)   the signature is handwritten by the electronic notary using electronic means during the notarial transaction.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
                      Eff. July 1, 2025.

18 NCAC 07J .0705   ELECTRONIC SIGNATURE AND SEAL REVIEW
An IPEN or platform provider's electronic notary solution shall enable an electronic notary public to comply with 18 NCAC 07F .0710 and .0815 by permitting the electronic notary to:
    (1)   view the electronic signature and seal after application; and
    (2)   delete and reapply the electronic signature and seal before committal.

18 NCAC 07J .0706 ELECTRONIC SIGNATURE AND SEAL CHANGES

If an IPEN or platform provider's electronic notary solution receives a registration certificate reflecting a change in an electronic notary public's name, county, or expiration date, the provider shall:

      (1)   use the Department's notary public database to:
           (a)   verify that the electronic notary's information has changed as shown on the certificate; and
           (b)   verify that the electronic notary continues to be in active status with the Department;
      (2)   generate a new electronic seal reflecting the changed information;
      (3)   obtain an updated handwritten signature from the electronic notary in compliance with Rule .1201(5) or .1410(5) of this Subchapter, as applicable, if the notary's name has changed;
      (4)   provide exemplars of the updated signature and seal to the Department; and
      (5)   reconfirm the Department's receipt of the exemplars.

SECTION .0800 – ELECTRONIC JOURNAL STANDARDS

18 NCAC 07J .0801 ELECTRONIC JOURNAL REQUIRED

An IPEN or platform provider's electronic notary solution shall provide an electronic journal in which an electronic notary can record all completed and canceled electronic notarial transactions.

18 NCAC 07J .0802 COMPLIANCE WITH JOURNAL RULES

An IPEN or platform provider shall design its electronic journals in a way that enables an electronic notary public to comply with the journal rules in this Chapter.

18 NCAC 07J .0803 JOURNAL ENTRY FOR EACH NOTARIAL TRANSACTION

An IPEN or platform provider shall design its electronic journals to require a single journal entry for each:

      (1)   notarial act;
      (2)   canceled notarial act; and
      (3)   supplemental journal entry.

18 NCAC 07J .0804 CLASSIFICATION OF JOURNAL ENTRIES

An IPEN solution or platform provider shall design its electronic journals to enable a notary public to classify each journal entry as:

      (1)   a completed notarial act;
      (2)   a canceled notarial transaction; or
      (3)   a supplemental journal entry.

18 NCAC 07J .0805   MINIMUM LENGTH OF NOTES FIELD

An IPEN solution or platform provider shall design its electronic journals to provide a notes field:

    (1)   that allows a notary to enter observations about a notarial transaction; and
    (2)   that accommodates at least 3,000 characters.

18 NCAC 07J .0806   JOURNAL DATA VALIDATION

An IPEN or platform provider shall design its electronic journal to allow a notary public to review, amend, or confirm information in all fields contained within a journal entry before committing it.

1 8 NCAC 07J .0807   COMMITTED JOURNAL ENTRY AMENDMENTS PROHIBITED

An IPEN or platform provider shall design its electronic journal to prohibit amendment of an electronic journal entry after it is committed by the notary public.

18 NCAC 07J .0808   PRINTING OF ELECTRONIC JOURNAL INFORMATION

An IPEN or platform provider shall design its electronic journal to permit the notary public to print a tangible and legible copy of each journal entry selected by the notary.

18 NCAC 07J .0809   JOURNAL SEARCH

An IPEN or platform provider shall ensure that its electronic journal can be searched based on the information entered by a notary public in any field in the journal.

18 NCAC 07J .0810   SEGREGATION OF ENTRIES

An IPEN or platform provider shall ensure that entries in its electronic journals can be annotated and distinguished from other entries. Note: An example of separate and distinguishing annotation would be flagging entries subject to a litigation hold.

18 NCAC 07J .0811   NOTARY ACCESS TO JOURNAL

During the contract period in which a notary public has use of an IPEN or platform provider's electronic journal, the provider shall make the entries and journal:
> (1) viewable by the notary;
> (2) printable by the notary;
> (3) available for download; and
> (4) available for transfer to a custodian.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0812 TERMINATION OF RELATIONSHIP WITH NOTARY
An IPEN or platform provider shall do the following upon the termination of its relationship with a notary public:
> (1) within 45 days, transfer the notary's electronic journal to a custodian; and
> (2) delete the electronic journal entries and journal after transfer to a custodian unless retention is permitted pursuant to law or the rules in this Subchapter.

Note: For purposes of this rule, termination of relationship means:
> (1) termination of a contract between the provider and a notary or the notary's employer; or
> (2) restriction, suspension, or termination of the provider's authorization by the Department or a court of general jurisdiction.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0813 SUPPLEMENTAL JOURNAL ENTRIES
An IPEN or platform provider's electronic journal shall allow a notary public to record one or more supplemental journal entries pursuant to 18 NCAC 07I .0308.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

SECTION .0900 – COMMUNICATION TECHNOLOGY STANDARDS

18 NCAC 07J .0901 ACCESS LIMITED
A platform provider shall limit participation in a notarial session to individuals authorized to have access by:
> (1) the notary public who will perform the notarial acts;
> (2) the principals in the notarial transaction; and
> (3) other parties authorized by the notary or principals.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0902 VIEW OF DOCUMENT
The communication technology shall allow an electronic notary public to view the application of the principal's signature to any document being notarized.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0903 VIDEO STANDARDS
A platform provider's communication technology shall enable:

(1)   comparison by the notary of a remotely located principal's facial features with the credential that was used for credential analysis;

(2)   visual communication between the notary, principals, and any additional participants, including interpreters and transliterators, for the duration of the notarial transaction; and

(3)   the remotely located principal for whom CART captioning is being provided and the speaker to see the CART captions.

Note: Visual communication includes American Sign Language and cued speech.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0904   VIDEO CUSTOMIZATION STANDARD

A platform provider's communication technology shall include a feature that allows each participant to lock the size and position of a priority video window and can be located easily by a participant in a notarial transaction.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0905   AUDIO STANDARDS

A platform provider's communication technology shall support audio interactions between all participants in a notarial transaction that:

(1)   provide live audio transmission for the duration of the notarial transaction;

(2)   provide clarity and volume so that all participants can hear the audio; and

(3)   synchronize the audio with the video transmission, except as permitted pursuant to 18 NCAC 07H .0405.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0906   WRITTEN COMMUNICATION STANDARD

A platform provider's communication technology shall support:

(1)   live transmission of on-screen text communication between all participants in a notarial transaction;

(2)   CART captioning pursuant to Rule .0903 of this Section; and

(3)   customization by each participant of all text outputs generated by the participants of:

        (a)   the contrast between the text and background;

        (b)   the size of the text; and

        (c)   the text font.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0907   RECORDING CAPABILITY

A platform provider's communication technology shall:

(1)   permit recording of a remote electronic notarial session; and

(2)   provide the electronic notary public with the controls to:

        (a)   initiate a communication technology recording;

        (b)   conclude a communication technology recording; and

        (c)   allow creation of a session record in accordance with the rules in this Subchapter.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;

18 NCAC 07J .0908   RECORDING CONTENT
A platform provider's communication technology shall preserve all audio, visual, and written content as it occurred or was presented during the notarial session.

18 NCAC 07J .0909   RECORDING METADATA
A platform provider's communication technology shall associate metadata to a communication technology recording documenting:
       (1)   the format of the recording; and
       (2)   the length of the recording.

18 NCAC 07J .0910   RECORDING OF REMOTE JUDICIAL ACTIONS OR PROCEEDINGS
Any recording of a remote judicial action or proceeding authorized by G.S. 10B-134.9(d) shall be exempted from the rules of this Subchapter.

SECTION .1000 – DEPOSITORY SERVICES STANDARDS

18 NCAC 07J .1001   DEPOSITORY REQUIREMENTS
Except as noted, the rules in this Section apply to the depositories of IPEN solution providers and platform providers.

18 NCAC 07J .1002   SESSION RECORD CREATION
(a) A session record shall be created at the end of a notarial session and include:
       (1)   all journal entries made in the session;
       (2)   any communication technology recording made of the session; and
       (3)   metadata as required by Rule .1017 of this Section.
(b) A session record shall be created for a traditional notary public using a platform depository's services only if the traditional notary:
       (1)   administers an oath or affirmation pursuant to G.S. 10B-134.9(d);
       (2)   chooses to make an entry in the provider's electronic journal; and
       (3)   designates a custodian.
(c) A session record shall be created for each supplemental journal entry.

18 NCAC 07J .1003   SESSION RECORD DIGITAL SIGNATURE
A depository shall digitally sign each session record.

18 NCAC 07J .1005 SESSION IDENTIFIER

A depository shall establish a session identifier for each notarial session or supplemental journal entry by concatenating the following numbers, with no separation or punctuation:

(1)   the four-digit identifying number assigned to the authorized depository by the Department;
(2)   the 12 digit commission number of the notary public who performs notarial acts during the session, padded with leading zeros as necessary;
(3)   the eight-digit date on which the session occurred, comprised of the following numbers in the order listed:
  (a)   the four-digit calendar year;
  (b)   the two-digit month; and
  (c)   the two-digit day; and
(4)   a seven-digit sequential session number that is assigned by the depository and that:
  (a)   begins with number 0000001 on the first day of the calendar year; and
  (b)   ends with the last sequential number for sessions in that same calendar year.

18 NCAC 07J .1006 SEARCHABLE SESSION RECORD FIELDS

A depository shall make session records searchable and identifiable by the following fields:

(1)   the session identifier required pursuant to Rule .1005 of this Section;
(2)   the commission name of the notary public;
(3)   the county of the notary's commission;
(4)   the names of the remotely located principals as they appear on the credentials presented for credential analysis;
(5)   the time when the session ended;
(6)   whether the session was performed in the conduct of the business of a notary's employer;
(7)   the name of the employer, if applicable;
(8)   the types of notarial acts, or cancellation of the session; and
(9)   whether the electronic notarial act was:
  (a)   an electronic notarial act; or
  (b)   a remote electronic notarial act:
    (i)   pursuant to G.S. 10B-134.9(d) for which no electronic journal entry is made; or
    (ii)   other remote electronic notarial act pursuant to Article 4A of Chapter 10B of the General Statutes; or
(10)   whether the session record is for a supplemental journal entry.

18 NCAC 07J .1007 SESSION RECORD UNCHANGED

A depository shall ensure that there are no changes to a session record held in its depository from the time the record is created until transfer to a custodian.

18 NCAC 07J .1008 STORAGE LOCATIONS

A depository shall maintain copies of each session record and session record log in two or more geographically separated data facilities.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
                         10B-134.21; 10B-134.23;
                         Eff. July 1, 2025.

18 NCAC 07J .1009   TIME LIMIT FOR TRANSFER FROM DEPOSITORY
A depository shall transfer a session record to a custodian selected by a notary public on the earliest of:
         (1)   a time agreed to by the notary;
         (2)   no later than 10 days from receipt of a written transfer request from the notary;
         (3)   one year from the date the session concluded; or
         (4)   the expiration of the provider's contract with the notary.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
                         10B-134.21; 10B-134.23;
                         Eff. July 1, 2025.

18 NCAC 07J .1010   EXCEEDANCE OF STORAGE TIME LIMIT
A depository that is unable to comply with Rule .1009 of this Section shall:
         (1)   notify the Department upon discovering the inability; and
         (2)   comply with the rules for custodians in Section .2000 of this Subchapter.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
                         10B-134.21; 10B-134.23;
                         Eff. July 1, 2025.

18 NCAC 07J .1011   DELETION OF SESSION RECORD
A depository shall securely delete a session record from its depository within 45 days of receiving a confirmation receipt from the electronic notary public's designated transferee custodian.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
                         10B-134.21; 10B-134.23;
                         Eff. July 1, 2025.

18 NCAC 07J .1012   VALIDATION BEFORE DELETION
A depository shall not delete a session record until it receives the transferee custodian's receipt confirming that the record has been:
         (1)   received; and
         (2)   validated.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
                         10B-134.21; 10B-134.23;
                         Eff. July 1, 2025.

18 NCAC 07J .1013   NOTARY ACCESS TO SESSION RECORD FROM DEPOSITORY
A depository shall allow a notary public to view, copy, print, and download any of the notary's session records in the possession of the depository at any time and at no cost.
Note: This rule shall not apply to planned service outages for which notice is provided pursuant to Rule .0205 of this Subchapter.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
                         10B-134.21; 10B-134.23;
                         Eff. July 1, 2025.

18 NCAC 07J .1014   DEPOSITORY CONTINUITY OF SERVICES

A depository shall not discontinue operation of its depository until all session records and session record logs are transferred to the custodians designated by the notaries public.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1015   JOURNAL ENTRY IDENTIFIER

A depository shall establish a journal entry identifier for each journal entry by concatenating the following numbers in order:
  (1)   the session identifier; and
  (2)   a four-digit number representing the sequential number of the journal entry within the session record.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1016   SESSION RECORD LOG FOR WHICH THERE IS NO ELECTRONIC JOURNAL ENTRY

If a traditional notary public administers an oath or affirmation pursuant to G.S. 10B-134.9(d) and chooses not to make an electronic journal entry, the platform depository shall create a session record log entry of the oaths or affirmations administered during the session.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1017   REQUIRED METADATA

After the notary public has committed the session record and before the depository digitally signs the PDF/A of the session record, the depository shall add the following metadata:
  (1)   the session identifier;
  (2)   the notary public's name as shown on the notary's commission certificate;
  (3)   the sum of:
      (a)   the platform's count of the number of notarial acts for which the notary's electronic seal was applied with the notary's signature; and
      (b)   the notary's count of the number of oaths or affirmations administered without a principal signature;
  (4)   the date and time the session record was created and sealed by the depository;
  (5)   a list of the types of notarial acts performed; and
  (6)   whether the notarial acts performed were:
      (a)   electronic notarial acts;
      (b)   remote electronic notarial acts pursuant to G.S. 10B-134.9(d) for which no electronic journal entry is made; or
      (c)   other remote electronic notarial acts.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1018   SESSION RECORD LOG

A depository shall establish a session record log for each session as required by Rule .1019 of this Section.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1019   CONTENTS OF SESSION RECORD LOG
A session record log shall include:
  (1) the session record identifier;
  (2) the time and date that the session:
    (a) started; and
    (b) ended;
  (3) whether a session record was created;
  (4) the name of the notary public exactly as it appears on the notary's commission certificate;
  (5) whether the notarial act was performed for the notary's employer, and the name of the employer, if applicable;
  (6) the types of notarial acts performed during the notarial session as defined in G.S. 10B-3(11);
  (7) whether the notarial act was:
    (a) an electronic notarial act; or
    (b) a remote electronic notarial act:
      (i) pursuant to G.S. 10B-134.9(d) for which no electronic journal entry is made; or
      (ii) other remote electronic notarial act pursuant to Article 4A of Chapter 10B of the General Statutes;
  (8) the IP address of the device used by the notary in the notarial transaction;
  (9) for each principal in the notarial transaction:
    (a) the principal's name as it appears on the credentials presented for credential analysis;
    (b) the IP address of the primary device used by the principal to enter the communication technology of a platform used in the notarial transaction; and
    (c) the principal's location:
      (i) as determined by geolocation, if available; or
      (ii) as entered by the notary if self-attestation is used as the means of verifying the principal's location;
  (10) the notary's count of the oaths or affirmations administered by the notary without principal signatures;
  (11) the platform's count of the number of notarial acts for which the notary's electronic signature or seal were applied;
  (12) whether the platform facilitated payment to the notary, and if applicable:
    (a) the name of the person making the payment;
    (b) the method of payment:
      (i) ACH;
      (ii) credit card; or
      (iii) other electronic method;
    (c) the name of the financial institution; and
    (d) the last four digits of the account number used; and
  (13) the date on which the session record was deleted.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
    Eff. July 1, 2025.

18 NCAC 07J .1020   ENTRY TO DEPARTMENT DATABASE
A depository shall update the Department's database at the conclusion of each notarial session with the following information:
  (1) the session identifier;
  (2) the date and time that:
    (a) the session began; and
    (b) the session ended;
  (3) whether a session record was created;
  (4) the IP address of the device used by the notary in the notarial transaction;
  (5) whether the electronic notarial act was:
    (a) an electronic notarial act; or

    (b) a remote electronic notarial act:
      (i) pursuant to G.S. 10B-134.9(d) for which no electronic journal entry is made; or
      (ii) other remote electronic notarial act pursuant to Article 4A of Chapter 10B of the General Statutes;
  (6) the principal names as they appear on the credentials presented for credential analysis; and
  (7) the count of notarial acts performed during the session as described in Rule .1017(3) of this Subchapter.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
      Eff. July 1, 2025.

18 NCAC 07J .1021 RETENTION OF SESSION RECORD LOG BY DEPOSITORY
Each session record log shall be retained by the depository for no less than 15 years from the date of the session record log creation.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
      Eff. July 1, 2025.

18 NCAC 07J .1022 TRANSFER OF SESSION RECORD LOG
A depository shall transfer to a custodian a copy of a session record log together with any associated session record. A depository shall not be required to transfer a copy of a session record log to a custodial notary public.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
      Eff. July 1, 2025.

18 NCAC 07J .1023 ENTRY IN DEPARTMENT'S DATABASE BY TRANSFEROR
Upon validation pursuant to Rule .1012 of this Section, a transferor shall update the Department's database with the following information:
  (1) the session identifier;
  (2) the four-digit identifying number assigned to the technology provider making the entry into the Department's database;
  (3) the four-digit identifying number assigned to the transferor;
  (4) for the transferee:
    (a) the four-digit identifying number assigned to the transferee; or
    (b) the custodial notary public's commission number, if applicable; and
  (5) the date and time of the transfer.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
      Eff. July 1, 2025.

SECTION .1100 – BRIDGE PROVISIONS

18 NCAC 07J .1101 SAFE HARBOR
An existing technology provider may continue to provide its IPEN solution under its previous approval until:
  (1) its first complete application submitted pursuant to Rule .1303 of this Subchapter has been approved or denied;
  (2) it discontinues offering its IPEN solution in North Carolina and provides notice pursuant to Rules .0215 and .0216 of this Subchapter; or
  (3) July 1, 2026, whichever is earlier.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*

18 NCAC 07J .1102   DEADLINE FOR EXISTING TECH PROVIDER APPLICATIONS
An existing technology provider shall:
      (1)   submit an application for authorization of its IPEN solution:
          (a)   no earlier than the effective date of the rules in this Subchapter; and
          (b)   no later than April 1, 2026; or
      (2)   provide notice no later than April 1, 2026, pursuant to Rules .0215 and .0216 of this Subchapter that it will discontinue offering its IPEN solution in North Carolina.

18 NCAC 07J .1103   COMPLIANCE WITH RULES DURING BRIDGE PERIOD
An existing technology provider shall comply with the following rules between the effective date of the rules in this Subchapter and the applicable date in Rule .1102 of this Section:
      (1)   Rules .0101-.0102, .0104-.0108, and .0110 of this Subchapter;
      (2)   Rules .0201-.0202 of this Subchapter;
      (3)   Rule .0602 of this Subchapter;
      (4)   Rules .0701-.0706 of this Subchapter;
      (5)   Rules .1101-.1104 of this Section; and
      (6)   Rule .1202(2)-(4) and (6)-(8) of this Subchapter and rules .1203-.1205 of this Subchapter.

18 NCAC 07J .1104   APPLICATION REQUIRED UPON CHANGES
If an existing technology provider operating pursuant to Rule .1101 of this Section undergoes a change reportable pursuant to Rule .0201 of this Subchapter, it shall file an application pursuant to Section .1300 of this Subchapter and not implement the change without Departmental approval of the application.

SECTION .1200 – IPEN SOLUTION STANDARDS

18 NCAC 07J .1201   IPEN SOLUTION ACCOUNT CREATION
An IPEN solution provider shall create an account for an electronic notary public only after it:
      (1)   confirms the electronic notary's identity by using approved credential analysis and identity proofing solutions;
      (2)   receives the electronic notary registration certificate from the electronic notary;
      (3)   uses the Department's online database of notaries to:
          (a)   search for the electronic notary by commission name and number;
          (b)   verify whether the electronic notary:
               (i)   is in active status as an electronic notary;
               (ii)   the expiration date of the individual's commission certificate; and
               (iii)   the county of commissioning of the electronic notary;
      (4)   documents the electronic notary's designated custodian;
      (5)   acquires an image of the electronic notary's handwritten signature or arranges for the electronic notary to use its device to, by hand, electronically sign notarial certificates;
      (6)   creates an image of the electronic notary's electronic notary seal that complies with 18 NCAC 07F .0807;
      (7)   provides to the Department an exemplar of:

(a)   the electronic notary's electronic signature; and
(b)   the electronic notary's electronic seal; and
(8)   receives confirmation of receipt of the electronic notary's signature and seal exemplars from the Department.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1202   CHANGES TO ELECTRONIC REGISTRATION CERTIFICATE PRESENTED TO IPEN SOLUTION PROVIDER

Upon receiving an electronic notary registration certificate that differs from that previously presented by an electronic notary public, the IPEN solution provider shall comply again with Rule .1201 of this Section.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1203   VERIFICATION OF NOTARY STATUS

When an electronic notary public initiates a notarial session, an IPEN solution provider shall use the Department's notary public database to verify whether the electronic notary is in active status as an electronic notary.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1204   INABILITY TO VERIFY ACTIVE STATUS

If an IPEN solution provider cannot verify the active status of an electronic notary public, the provider shall:
(1)   not allow the electronic notary to proceed with the notarial session; and
(2)   enable the electronic notary's access to the IPEN solution only to search, view, print, and download existing records.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1205   WHEN PROVIDER MAY RE-ENABLE FULL ACCESS

An IPEN solution provider may re-enable an electronic notary public's full access to the solution if it can verify active status pursuant to Rule .1203 of this Section.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1206   IPEN VERIFICATION OF CUSTODIAN

If an IPEN solution provider does not offer custodial services, it shall not allow an electronic notary public to begin a notarial session until:
(1)   the electronic notary discloses the name of the custodian with whom the notary has contracted for custodial services; or
(2)   the electronic notary discloses that he or she will be a custodial notary.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1207   FORMAT OF SESSION RECORD

An IPEN solution shall render a session record tamper evident by:
- (1) preserving it in PDF/A format; and
- (2) signing the PDF/A with a verifiable digital certificate to indicate the IPEN solution from which the notarized electronic record originated and prevent further alteration.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1208   IPEN SOLUTION DISCLOSURE
Following the information required by Rule .0608 of this Subchapter, an IPEN solution provider shall:
- (1) publish the information required by Rule .1209 of this Section; and
- (2) display the information as required by Rule .1210 of this Section.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1209   CONTENT OF ADDITIONAL IPEN SOLUTION DISCLOSURES
An IPEN solution provider's additional disclosures pursuant to Rule .1208 of this Section shall include information regarding:
- (1) records retention:
  - (a) whether the IPEN solution retains a copy of the notarized document upon conclusion of the notarial session and, if so, for how long; and
  - (b) whether the IPEN solution retains the principal's personal information upon conclusion of the notarial session and, if so, for how long;
- (2) availability:
  - (a) projected IPEN solution unavailability due to monthly scheduled maintenance;
  - (b) the business hours during which a customer support representative is available for consultation; and
  - (c) average wait time during business hours for a response from a customer support representative; and
- (3) the IPEN solution provider's technical issue resolution targets, which shall include:
  - (a) categorization of issue severity based on a numeric scale or denoted by single words such as "critical," "high," "medium," and "low;"
  - (b) a plain language description of each category; and
  - (c) the maximum projected resolution time for issues encountered in each category.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1210   IPEN SOLUTION DISCLOSURE FORMAT
An IPEN solution provider shall present the additional disclosures required by Rule .1208 of this Section in tabular form in the order shown in the table in this Rule:
- (1) add horizontal rows in the service disruption response time section as needed to describe each category;
- (2) engineer as specified in the Department's protocols to support accommodation pursuant to G.S. 10B-134.1(1); and
- (3) replace the rule references with the provider's responses.

[Insert Technology Provider Name] IPEN Solution Disclosures	
Does IPEN solution retain a copy of the notarized document?	[Rule .1209(1)(a) of this Section]
Does IPEN solution retain principals' personal information?	[Rule .1209(1)(b) of this Section]
Projected monthly unavailability due to maintenance?	[Rule .1209(2)(a) of this Section]

Customer support hours?	[Rule .1209(2)(b) of this Section]
Average customer support response time?	[Rule .1209(2)(c) of this Section]

Unscheduled Service Disruption Response Times		
Service Disruption Categorization?	**Category Description?**	**Projected Response Time?**
[Rule .1209(3)(a) of this Section]	[Rule .1209(3)(b) of this Section]	[Rule .1209(3)(c) of this Section]

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

SECTION .1300 – APPLICATION FOR IN-PERSON ELECTRONIC NOTARIZATION SERVICES AUTHORIZATION

18 NCAC 07J .1301   REQUIREMENTS FOR AUTHORIZATION TO PROVIDE IPEN SERVICES
An IPEN provider applicant shall meet requirements established in:
      (1)   Article 2 of Chapter 10B of the General Statutes; and
      (2)   the rules in this Subchapter, except:
            (a)   Section .0900; and
            (b)   Sections .1400-.2200.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1302   DURATION OF IPEN SOLUTION APPROVAL
The Department's approval of an IPEN solution authorizes the IPEN solution provider to offer its solution to North Carolina notaries public for three years from the date of the approval.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1303   APPLICATION FORM FOR IPEN SERVICES
An IPEN provider applicant shall complete and submit the form described in 18 NCAC 07B .0423.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1304   IDENTIFICATION OF KEY INDIVIDUALS
An IPEN provider applicant shall list key individuals in its application by reference to:
      (1)   the applicant's organizational structure; and
      (2)   the duties of its officers, directors, and employees.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1305   APPLICATION REQUIREMENTS FOR IPEN PROVIDER KEY INDIVIDUALS
An IPEN provider applicant shall provide to the Department the following information for each key individual identified pursuant to Rule .1304 of this Subchapter:
      (1)   the information required by 18 NCAC 07B .0402(1);
      (2)   the key individual's position title;

(3)   a nationwide criminal history record for a key individual residing in the United States that:
         (a)   includes applicable records from all United States jurisdictions;
         (b)   is prepared at the applicant's expense; and
         (c)   is issued no more than 90 days before the application date;
(4)   a criminal history record for a key individual residing outside the United States with:
         (a)   a nationwide criminal history record from their country of residence; and
         (b)   the nationwide criminal history record required by Item (3) of this Rule; and
(5)   a written statement by each key individual certifying under penalty of perjury:
         (a)   whether the criminal history record submitted is complete or incomplete; and
         (b)   that the key individual has provided the applicant with the information required by 18 NCAC 07B Section .0500, including submission of affidavits of moral character if applicable.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
                    Eff. July 1, 2025.

18 NCAC 07J .1306   FREQUENCY OF CRIMINAL HISTORY RECORD CHECKS FOR KEY INDIVIDUALS

Criminal history record checks for key individuals that are submitted by an IPEN provider applicant shall:
    (1)   be valid for three years; or
    (2)   be updated as required pursuant to 18 NCAC 07B .0505 and .0506.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
                    Eff. July 1, 2025.

18 NCAC 07J .1307   WHEN MORE FREQUENT CRIMINAL HISTORY RECORD CHECKS REQUIRED

An IPEN provider's notice of changes pursuant to Item (2) of Rule .0203 of this Subchapter shall be made:
    (1)   within the time set forth in Rule .0203 of this Subchapter; and
    (2)   using the form specified in 18 NCAC 07B .0411.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
                    Eff. July 1, 2025.

SECTION .1400 – PLATFORM STANDARDS

18 NCAC 07J .1401   REQUIRED GENERAL PLATFORM FUNCTIONS

A platform provider shall integrate into its platform each of the following functions:
    (1)   use of communication technology as defined in G.S. 10B-134.1(1) that complies with Section .0900 of this Subchapter;
    (2)   use of geolocation as defined in G.S. 10B-134.1(4a) and Rule .0101(9) of this Subchapter that complies with the requirements of this Subchapter;
    (3)   use of credential analysis as defined in G.S. 10B-134.1(3) that complies with Section .1600 of this Subchapter;
    (4)   use of identity proofing as defined in G.S. 10B-134.1(5) that complies with Section .1800 of this Subchapter;
    (5)   an electronic journal as defined in G.S. 10B-134.1(4) that complies with Section .0800 of this Subchapter;
    (6)   the capability to attach or logically associate the electronic notary public's electronic signature and seal that complies with Section .0700 of this Subchapter; and
    (7)   a depository as defined in Rule .0101(5) of this Subchapter that complies with Section .1000 of this Subchapter.

18 NCAC 07J .1402   PLATFORM FUNCTIONS FOR TRADITIONAL NOTARY
(a) A platform provider shall allow a traditional notary public with whom it has a contract to:
        (1)   use its platform to administer an oath or affirmation pursuant to G.S. 10B-134.9(d);
        (2)   search, review, download, and print the notary's electronic journal entries, if any.
(b) A traditional notary may make an entry into an electronic journal offered by the platform only if the notary designates a custodian.

18 NCAC 07J .1403   PLATFORM SESSION RECORD FOR TRADITIONAL NOTARY
A platform provider shall create a session record for a notarial session in which a traditional notary makes an electronic journal entry pursuant to Rule .1402(b) of this Section.

18 NCAC 07J .1404   PLATFORM FUNCTIONS UNAVAILABLE TO TRADITIONAL NOTARY
A platform shall not allow a traditional notary public to:
        (1)   create an electronic signature or seal for use in performing electronic or remote electronic notarial acts;
        (2)   apply an electronic notary seal; or
        (3)   perform a remote notarial act other than as provided in Rule .1402 of this Section.

18 NCAC 07J .1405   REASONABLE ACCOMMODATION
A platform provider shall accommodate a principal with vision, hearing, or speech impairment using:
        (1)   auxiliary aids;
        (2)   interpreters or transliteraters; or
        (3)   CART captioning.

18 NCAC 07J .1406   GEOLOCATION DETECTION
A platform provider shall detect whether any device used by a principal to connect with the platform during the notarial transaction process is:
        (1)   GPS-enabled; and
        (2)   capable of geolocation at the time of the remote electronic notarial act.

18 NCAC 07J .1407   GEOLOCATION COMMUNICATION TO NOTARY

A platform provider shall take the following steps after making the determination required by Rule .1406 of this Section:

  (1)   communicate the location of the principal to the notary public by displaying it on a map; or
  (2)   inform the notary that the principal:
          (a)   is not using a GPS-enabled device; or
          (b)   has disabled location services on a GPS-enabled device.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1408   NOTICE OF IMAGE OR VOICE ALTERATION

A platform shall notify the notary if it detects that the image or voice of a remotely located principal appears to be altered, unnatural, or simulated.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1409   PERSONAL KNOWLEDGE

A platform shall provide a means to bypass credential analysis and identity proofing functions if the traditional notary public or electronic notary public confirms that the principal is personally known to the notary.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1410   PLATFORM ACCOUNT CREATION FOR ELECTRONIC NOTARY

A platform provider shall create an account for an electronic notary public only after it:

  (1)   confirms the electronic notary's identity by using approved credential analysis and identity proofing solutions;
  (2)   receives the electronic notary registration certificate from the electronic notary;
  (3)   uses the Department's online database of notaries to:
          (a)   search for the electronic notary by commission name and number;
          (b)   verify:
                  (i)   whether the electronic notary is in active status as an electronic notary;
                  (ii)   the expiration date of the electronic notary's commission certificate; and
                  (iii)   the county of the commissioning of the electronic notary;
  (4)   documents the electronic notary's designated custodian;
  (5)   acquires an image of the electronic notary's handwritten signature or arranges for the electronic notary to use its device to, by hand, electronically sign notarial certificates;
  (6)   creates an image of the electronic notary's seal that complies with 18 NCAC 07F .0807;
  (7)   provides to the Department an exemplar that is:
          (a)   the image of the electronic notary's signature created pursuant to Item (5) of this Rule; and
          (b)   the image of the electronic notary's seal created pursuant to Item (6) of this Rule; and
  (8)   receives confirmation of receipt of the electronic notary's signature and seal exemplars from the Department.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1411   PLATFORM ACCOUNT CREATION FOR TRADITIONAL NOTARY

A platform provider shall create an account for a traditional notary public only after it:

(1)   confirms the notary's identity by using approved credential analysis and identity proofing solutions;
(2)   receives the notary's commission certificate from the notary;
(3)   uses the Department's online database of notaries to verify:
    (a)   whether the notary is in active status as a notary;
    (b)   the expiration date of the notary's commission certificate; and
    (c)   the county of the commissioning of the notary; and
(4)   documents the notary's designated custodian, if the notary will use the platform's electronic journal.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1412   CHANGES TO COMMISSION OR REGISTRATION CERTIFICATE PRESENTED TO PLATFORM

Upon receiving a commission certificate or electronic notary registration certificate that differs from that previously presented by a traditional notary public or an electronic notary public, the platform provider shall comply again with Rules .1410-.1411 of this Section, as applicable.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1413   VERIFICATION OF NOTARY STATUS

When a traditional notary public or an electronic notary public initiates a notarial session, a platform shall use the Department's notary public database to verify whether:
(1)   the notary public is in active status; and
(2)   if the notary is an electronic notary, whether the notary is in active status as an electronic notary.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1414   INABILITY TO VERIFY ELECTRONIC NOTARY STATUS

If a platform cannot verify that an electronic notary public is in active status as an electronic notary, the platform shall not allow the electronic notary to perform any remote electronic notarial acts other than oaths and affirmations pursuant to G.S. 10B-134.9(d).

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1415   PLATFORM ACCESS FOR NOTARY NOT IN ACTIVE STATUS

If, pursuant to Rule .1413 of this Section, a platform provider is unable to determine that a notary public is in active status, the platform:
(1)   shall not allow the notary to administer oaths or affirmations pursuant to G.S. 10B-134.9(d); and
(2)   shall allow the notary access to any of the notary's existing journal entries on the platform depository to search, review, print, or download until the entries are transferred to a custodian.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1416   VERIFICATION PRIOR TO REMOTELY ADMINISTERING JUDICIAL OATHS AND AFFIRMATIONS

After verifying the status of a notary public, a platform shall allow a traditional notary in active status or an electronic notary whose registration is not active but whose notary commission is active only to:

      (1)   proceed with the session and administer oaths or affirmations pursuant to G.S. 10B-134.9(d);

      (2)   create an electronic journal entry for an oath or affirmation pursuant to Item (1) of this Rule, if applicable; and

      (3)   search, review, print, or download existing journal entries, if applicable.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
                        Eff. July 1, 2025.

18 NCAC 07J .1417   WHEN PROVIDER MAY RE-ENABLE FUNCTIONS

A platform provider may restore a notary's or electronic notary's privileges at any time after verifying through the Department's notary database that the notary or electronic notary is in active status.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
                        Eff. July 1, 2025.

18 NCAC 07J .1418   FORMAT OF SESSION RECORD

A platform shall render a session record tamper evident by:

      (1)   preserving it in PDF/A format; and

      (2)   signing the PDF/A with a verifiable digital certificate to indicate the platform from which the notarized electronic record originated and prevent further alteration.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
                        Eff. July 1, 2025.

18 NCAC 07J .1419   NOTARY COUNT OF NOTARIAL ACTS

A platform shall require the notary public to enter the number of oaths or affirmations administered without a principal's signature.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
                        Eff. July 1, 2025.

18 NCAC 07J .1420   FIELD FOR COUNT OF OATHS OR AFFIRMATIONS WITHOUT PRINCIPAL SIGNATURES

A platform shall design its system to provide a field for a notary public to enter the count of oaths or affirmations administered to principals without principal signatures.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
                        Eff. July 1, 2025.

18 NCAC 07J .1421   PLATFORM PROVIDER CALCULATION OF MONTHLY FEE REMISSION OWED TO THE DEPARTMENT

When a platform calculates the total amount of monthly fees owed to the Department, the platform shall multiply the five dollar ($5.00) fee per notarial act by the count of notarial acts entered pursuant to Rule .1017(3) of this Subchapter by all notaries using the platform in the preceding calendar month.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
                        Eff. July 1, 2025.

18 NCAC 07J .1422   PLATFORM FEES INDEPENDENT OF NOTARY FEES PAID BY PRINCIPALS
A platform shall not deduct the five dollar ($5.00) fee owed to the Department from the fee paid by principals to notaries public for any notarial act pursuant to G.S. 10B-31.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1423   TIMING OF MONTHLY FEE REMISSION
A platform provider shall make the remittance pursuant to G.S. 10B-134.19(g) no later than 30 days after the calendar month for which fees shall be remitted.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1424   FEE REMISSION LOG
A platform provider shall submit a fee remission log to the Department summarizing its monthly fee remission.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1425   FEE REMISSION LOG CONTENTS
A platform's fee remission log shall include:
  (1)   for each session record:
      (a)   the session record identifier;
      (b)   each journal entry identifier;
      (c)   whether the notarial acts were completed;
      (d)   whether the session record identifier applies to a supplemental journal entry;
      (e)   whether the session record identifier applies to administration of oaths or affirmations pursuant to G.S. 10B-134.9(d) for which no electronic journal entry was made;
  (2)   the number of completed notarial acts for the month calculated pursuant to Rule .1017(3) of this Subchapter; and
  (3)   the total fee remitted to the Department pursuant to Rule .1421 of this Section.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1426   FEE REMISSION LOG RETENTION
A platform provider shall maintain a copy of each fee remission log submitted to the Department for no less than five years.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1427   ADDITIONAL PLATFORM DISCLOSURES
Following the information required for the provider's webpage by Rule .0608 of this Subchapter, a platform shall:
  (1)   publish the information required by Rule .1428 of this Section or a link to it; and
  (2)   display the information as required by Rule .1429 of this Section.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1428   CONTENT OF ADDITIONAL PLATFORM DISCLOSURES
A platform's additional disclosures pursuant to Rule .1427 of this Section shall include information regarding:
- (1) records retention:
  - (a) whether the platform retains a copy of the notarized document upon conclusion of the notarial session and, if so, for how long; and
  - (b) whether the platform retains the principal's personal information upon conclusion of the notarial session and, if so, for how long;
- (2) devices for use with the platform:
  - (a) the electronic device types required for the principal to complete a notarial transaction. Note: Examples of such designations include "computer only," "mobile device only," "computer or mobile device," or "computer and mobile device"; and
  - (b) the types of auxiliary aids that have been successfully tested with the platform. Note: Examples of auxiliary aids include screen reader software and magnification software;
- (3) availability:
  - (a) projected platform unavailability due to monthly scheduled maintenance;
  - (b) the business hours during which a customer support representative is available for consultation; and
  - (c) the average wait time during business hours for a response from a customer support representative;
- (4) the maximum number of remote connections that the platform can simultaneously support for a single notarial transaction; and
- (5) the platform provider's technical issue resolution targets, which shall include:
  - (a) categorization of service disruptions based on a numeric scale or denoted by single words such as "critical," "high," "medium," and "low;"
  - (b) a plain language description of each category; and
  - (c) the maximum projected response time for issues encountered in each category.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1429   PLATFORM DISCLOSURE FORMAT
A platform provider shall present the additional disclosures required by Rule .1427 of this Section in tabular form in the order shown in the table in this Rule:
- (1) add horizontal rows to the table of service disruption response times as needed to describe each category;
- (2) engineer the table as specified in the Department's protocols to support accommodation pursuant to G.S. 10B-134.1(1); and
- (3) replace the rule references with the provider's responses.

[**Insert Technology Provider Name**] **Platform Disclosures**	
Does platform retain a copy of the notarized document?	[Rule .1428(1)(a) of this Section]
Does platform retain principal's personal information?	[Rule .1428(1)(b) of this Section]
What devices may a principal use to complete a notarial transaction?	[Rule .1428(2)(a) of this Section]
Which auxiliary aids have been successfully tested for use with the platform?	[Rule .1428(2)(b) of this Section]
Projected monthly unavailability due to maintenance?	[Rule .1428(3)(a) of this Section]
Customer support hours?	[Rule .1428(3)(b) of this Section]
Average customer support response time?	[Rule .1428(3)(c) of this Section]
Number of connections supported for a single notarial session?	[Rule .1428(4) of this Section]

Unscheduled Service Disruption Response Times		
Service Disruption Categorization?	**Category Description?**	**Projected Response Time?**

[Rule .1428(5)(a) of this Section]	[Rule .1428(5)(b) of this Section]	[Rule .1428(5)(c) of this Section]

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

SECTION .1500 – APPLICATION FOR PLATFORM LICENSURE

18 NCAC 07J .1501   PLATFORM LICENSURE REQUIREMENTS
A platform provider applicant shall establish through its application and demonstration that its platform meets all requirements established in:
(1)   Article 2 of Chapter 10B of the General Statutes;
(2)   the applicable provisions of the Department's Protocols; and
(3)   the rules in this Subchapter except:
     (a)   Section .1100;
     (b)   Section .1200;
     (c)   Section .1300;
     (d)   Section .2000;
     (e)   Section .2100; and
     (f)   Section .2200.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1502   DURATION OF PLATFORM LICENSE
A platform license from the Department authorizes the platform provider to offer its platform solution, directly or indirectly, to North Carolina notaries public for one year from the date of its approval.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1503   APPLICATION FORM FOR PLATFORM LICENSE
An applicant for a platform license shall complete and submit the form described in 18 NCAC 07B .0424.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1504   IDENTIFICATION OF KEY INDIVIDUALS
A platform provider applicant shall list key individuals in its application by reference to:
(1)   the applicant's organizational structure; and
(2)   the duties of its officers, directors, and employees.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1505   APPLICATION REQUIREMENTS FOR PLATFORM KEY INDIVIDUALS
A platform provider applicant shall provide to the Department the following information for each key individual identified pursuant to Rule .1504 of this Subchapter:
(1)   the information required by 18 NCAC 07B .0402(1);
(2)   the key individual's position title;
(3)   the key individual's country of residence;

(4)   a nationwide criminal history record for a key individual residing in the United States that:
     (a)   includes applicable records from all United States jurisdictions;
     (b)   is prepared at the applicant's expense; and
     (c)   is issued no more than 90 days before the application date;
(5)   a criminal history record for a key individual residing outside the United States with:
     (a)   a nationwide criminal history record from their country of residence; and
     (b)   the nationwide criminal history record required by Item (4) of this Rule; and
(6)   a written statement by each key individual certifying under penalty of perjury:
     (a)   whether the criminal history record submitted is complete or incomplete; and
     (b)   that the key individual has provided the applicant with the information required by 18 NCAC 07B Section .0500 including submission of affidavits of moral character if applicable.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
     Eff. July 1, 2025.

18 NCAC 07J .1506   FREQUENCY OF CRIMINAL HISTORY RECORD CHECKS FOR KEY INDIVIDUALS
Criminal history record checks for key individuals that are submitted by a platform provider applicant shall:
(1)   be valid for three years; or
(2)   be updated as required pursuant to 18 NCAC 07B .0505 and .0506.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
     Eff. July 1, 2025.

18 NCAC 07J .1507   WHEN MORE FREQUENT CRIMINAL HISTORY RECORD CHECKS REQUIRED
A platform's notice of changes pursuant to Item (2) of Rule .0203 of this Subchapter shall be made:
(1)   within the time set forth in Rule .0203 of this Subchapter; and
(2)   using the form specified in 18 NCAC 07B .0411.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
     Eff. July 1, 2025.

SECTION .1600 – CREDENTIAL ANALYSIS STANDARDS

18 NCAC 07J .1601   SECTION DEFINITIONS
For the purposes of the rules in this Section:
(1)   "Credential verification false negative rate" means the number of authentic credentials that fail the credential analysis trial process divided by the number of authentic credentials tested.
(2)   "Credential verification false positive rate" means the total number of inauthentic or modified credentials that pass the credential analysis trial process divided by the number of inauthentic or modified credentials tested.
(3)   "Facial match false negative rate" means the number of times a credential is presented by the individual to whom the credential belongs, and fails the facial match test, divided by the number of tests in which the credential depicts the individual offering the credential.
(4)   "Facial match false positive rate" means the number of times a credential is presented by an individual to whom the credential does not belong and passes the facial match test, divided by the number of tests in which the credential does not depict the individual presenting the credential.
(5)   "Overall success rate" means:
     (a)   The sum of the number of tests in which the results are as set out in Sub-item (b) of this Item divided by the total number of tests presented to the solution.

        (b)   The tests to be summed for Sub-item (a) of this Item are the number of times the credential analysis solution accurately:
- (i) verifies a credential and matches the credential to the individual to whom it belongs;
- (ii) identifies an inauthentic or modified credential; and
- (iii) identifies a credential that does not belong to the individual who presented the credential.
- (6) "System error rate" means the number of times the solution fails to complete the credential analysis process divided by the number of tests presented to the solution.
- (7) "Test" means a credential analysis solution evaluation of a credential pursuant to Rule .1606 of this Section.
- (8) "Trial" means an analysis of the performance of the credential analysis solution pursuant to Rule .1602 of this Section.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
                Eff. July 1, 2025.

18 NCAC 07J .1602   CREDENTIAL ANALYSIS SOLUTION – GENERAL
A credential analysis solution provider shall conduct a trial of its credential analysis solution pursuant to Rule .1603 of this Section before submitting its application for authorization.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
                Eff. July 1, 2025.

18 NCAC 07J .1603   CREDENTIAL ANALYSIS SOLUTION TRIAL PROCESS
A credential analysis solution provider shall conduct, or have a third-party conduct, a trial of its solution by presenting the solution with no less than 100 subjects to be evaluated:
- (1) who are real individuals:
  - (a) whose ages, races, and sexes are within five percent of the proportion of ages, races, and sexes of the population of the United States that is 18 years or older, as established by the most recent United States decennial census; and
  - (b) at least 18 years old; and
- (2) with no less than:
  - (a) 10 percent of the credentials presented being inauthentic or modified; and
  - (b) 10 percent of the credentials presented being authentic but not belonging to the individual depicted in the authentic credential with the individual presenting the credential being:
    - (i) of the same race and sex as the genuine owner of the credential; and
    - (ii) within five years of age of the individual depicted.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
                Eff. July 1, 2025.

18 NCAC 07J .1604   EVALUATION OF CREDENTIAL ANALYSIS TRIAL
The results of a credential analysis trial shall describe:
- (1) the overall success rate of the trial;
- (2) the credential analysis verification false positive rate;
- (3) the credential analysis verification false negative rate;
- (4) the facial match false positive rate;
- (5) the facial match false negative rate; and
- (6) the system error rate.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*

Eff. July 1, 2025.

18 NCAC 07J .1605   FREQUENCY OF CREDENTIAL ANALYSIS SOLUTION TRIALS
At least once every three years, a credential analysis solution provider shall:
      (1)   conduct a trial of its approved solution to assess the reliability of the approved version of the credential analysis solution;
      (2)   conduct a trial of the credential analysis solution in connection with a material change that is reported to the Department pursuant to Rules .0201 and .0202 of this Subchapter; and
      (3)   update its disclosures pursuant to Rule .1611 of this Section.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
                      Eff. July 1, 2025.

18 NCAC 07J .1606   CREDENTIAL ANALYSIS TEST
A credential analysis solution shall test a credential presented by an individual pursuant to Rule .1607 of this Section.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
                      Eff. July 1, 2025.

18 NCAC 07J .1607   CREDENTIAL ANALYSIS
A credential analysis solution shall:
      (1)   require the individual to:
           (a)   describe the type of credential being presented; and
           (b)   be in real-time, physical control of his or her credential at the time the credential is presented;
      (2)   ensure that the credential complies with G.S. 10B-3(22)a;
      (3)   evaluate, in order to authenticate:
           (a)   the integrity of the visual, physical, and security features of the credential;
           (b)   whether the credential is fraudulent or modified;
           (c)   the validity of the credential in comparison to any available information published by the issuing source;
      (4)   compare the photograph from the individual's authenticated credential to the individual's facial features;
      (5)   use liveness detection technology if the individual is remotely located;
      (6)   present the image of the individual's credential to the notary public; and
      (7)   comply with Rule .1608 of this Section.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
                      Eff. July 1, 2025.

18 NCAC 07J .1608   CREDENTIAL ANALYSIS OUTCOME
After the process described in Rule .1607 of this Section is concluded, the credential analysis solution shall provide the outcome of credential analysis testing:
      (1)   of a principal, to a notary public prior to a notarial transaction; and
      (2)   of a notary public to:
           (a)   an IPEN solution provider pursuant to Rule .1201 of this Subchapter; or
           (b)   a platform provider pursuant to Rules .1410 and .1411 of this Subchapter.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
                      Eff. July 1, 2025.

18 NCAC 07J .1609   NOTIFICATION OF IMAGE ALTERATION
A credential analysis solution shall:
>   (1)   detect whether the image of a remotely located principal, whether on screen or as presented on the credential, appears to be:
>   (a)   altered;
>   (b)   unnatural; or
>   (c)   simulated; and
>   (2)   pursuant to Rule .1608 of this Section, report if credential analysis finds the appearance of alteration, unnaturalness, or simulation of the image of the principal.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1610   VERIFICATION DATA CONFIDENTIAL
The credential analysis solution shall keep confidential all information specific to the notary public or the principal that is acquired or used during the credential analysis process.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1611   DATA STORAGE PROHIBITED FOR CREDENTIAL ANALYSIS SOLUTION
A credential analysis solution shall not store any data specific to the notary public or the principal that is acquired from the credential analysis process after the conclusion of the process.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1612   ADDITIONAL CREDENTIAL ANALYSIS DISCLOSURES
Following the information required by Rule .0608 of this Subchapter, a credential analysis solution provider shall:
>   (1)   publish the information required by Rule .1613 of this Section or a link to it; and
>   (2)   display the information as required by Rule .1614 of this Section.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1613   CONTENT OF ADDITIONAL CREDENTIAL ANALYSIS DISCLOSURES
A credential analysis solution provider's additional disclosures pursuant to Rule .1612 of this Section shall include:
>   (1)   the results of the credential analysis solution trial required by Rule .1602 of this Section;
>   (2)   whether the trial of the credential analysis solution was performed by the solution provider or by a third party, and the name and contact information for the third party, if applicable;
>   (3)   the year in which the trial was conducted; and
>   (4)   for each type of electronic device that the individual presenting the credential may use to capture credential and facial images, the results of the credential analysis trial evaluation as required by Rules .1603 and .1604 of this Section.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1614   CREDENTIAL ANALYSIS DISCLOSURE FORMAT
A credential analysis solution provider shall:

(1)   present the additional disclosures required by Rule .1611 of this Section in tabular form in the order shown in the table in this Rule;
(2)   place the results described in Rule .1604 of this Section in the table in this Rule in the appropriate location; and
(3)   engineer the table in this Rule as specified in the Department's protocols to support accommodation pursuant to G.S. 10B-134.1(1).

[Insert Technology Provider Name] Credential Analysis Performance Disclosures		
Overall Success Rate: [result from Rule .1604(1) of this Section] %		
	Score	Number of Tests
Credential verification false positive rate:	[result from Rule .1604(2) of this Section] %	[divisor in Rule .1604(2) of this Section as defined at Rule .1601(2) of this Section]
Credential verification false negative rate:	[result from Rule .1604(3) of this Section] %	[divisor in Rule .1604(3) of this Section as defined at Rule .1601(1) of this Section]
Facial match false positive rate:	[result from Rule .1604(4) of this Section]%	[divisor in Rule .1604(4) of this Section as defined at Rule .1601(4) of this Section]
Facial match false negative rate:	[result from Rule .1604(5) of this Section] %	[divisor in Rule .1604(5) of this Section as defined at Rule .1601(3) of this Section]
System error rate:	[result from Rule .1604(6) of this Section as defined at Rule .1601(6) of this Section]	
Total number of credential analysis tests:	[divisor from Rule .1603 of this Section]	
Entity conducting the credential analysis trial:	[See Rule .1613(2) of this Section]	
Year of credential analysis trial:	[See Rule .1613(3) of this Section]	

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

SECTION .1700 — APPLICATION FOR CREDENTIAL ANALYSIS AUTHORIZATION

18 NCAC 07J .1701   REQUIREMENTS FOR AUTHORIZATION TO PROVIDE CREDENTIAL ANALYSIS SERVICES
A credential analysis provider applicant shall meet requirements established in:
(1)   Article 2 of Chapter 10B of the General Statutes;
(2)   the applicable standards set forth in the Department's Protocols; and
(3)   the rules in this Subchapter except:
    (a)   Sections .0700-.1500; and
    (b)   Sections .1800-.2200.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1702   DURATION OF CREDENTIAL ANALYSIS APPROVAL
An approval from the Department of a credential analysis solution authorizes the credential analysis provider to directly or indirectly offer its credential analysis solution to North Carolina notaries public for three years from the date of its approval.

18 NCAC 07J .1703 APPLICATION FORM FOR CREDENTIAL ANALYSIS SERVICES

A person applying for authorization of its credential analysis solution shall complete and submit the form described in 18 NCAC 07B .0425.

SECTION .1800 – IDENTITY PROOFING STANDARDS

18 NCAC 07J .1801 SECTION DEFINITIONS

For the purposes of the rules in this Section:
- (1) "Identity proofing false negative rate" means the total number of times authentic individuals fail the identity proofing process based on their own information, divided by the number of authentic individuals tested.
- (2) "Identity proofing false positive rate" means the total number of imposters that pass the identity proofing process divided by the number of imposters tested.
- (3) "Overall success rate" means:
  - (a) the sum of the number of tests in which the identity proofing solution:
    - (i) accurately verifies the identity of an individual; and
    - (ii) accurately screens out an imposter; and
  - (b) divided by the total number of tests presented to the solution.
- (4) "System error rate" means the number of times the identity proofing solution fails to process data needed to complete the identity proofing process, divided by the number of tests presented to the solution.
- (5) "Test" means an identity proofing solution evaluation of identity pursuant to Rule .1806 of this Section.
- (6) "Trial" means an analysis of the performance of the identity proofing solution pursuant to Rule .1802 of this Section.

18 NCAC 07J .1802 IDENTITY PROOFING SOLUTION TRIAL – GENERAL

An identity proofing solution provider shall conduct a trial of its identity proofing solution pursuant to Rules .1803 and .1804 of this Section before submitting its application for authorization.

18 NCAC 07J .1803 IDENTITY PROOFING SOLUTION TRIAL PROCESS

An identity proofing solution provider shall conduct, or have a third-party conduct, a trial of its solution by presenting the solution with no less than 100 subjects to be evaluated:
- (1) who are real individuals:
  - (a) whose ages, races, and sexes are within five percent of the proportion of ages, races, and sexes to that of the population of the United States that is 18 years or older, as established by the most recent United States decennial census; and
  - (b) at least 18 years old; and
- (2) with no less than 10 percent of the tests assessing imposters who attempt to complete the identity proofing process using the personal information of other individuals.

18 NCAC 07J .1804   EVALUATION OF IDENTITY PROOFING TRIAL
The results of an identity proofing solution trial shall describe:
        (1)   the overall success rate of the trial;
        (2)   the identity proofing false positive rate;
        (3)   the identity proofing false negative rate; and
        (4)   the system error rate.

18 NCAC 07J .1805   FREQUENCY OF IDENTITY PROOFING SOLUTION TRIALS
At least once every three years, an identity proofing solution provider shall:
        (1)   conduct a trial of its approved solution to assess the reliability of the approved version of the identity proofing solution;
        (2)   conduct a trial of the identity proofing solution in connection with a material change that is reported to the Department pursuant to Rules .0201 and .0202 of this Subchapter; and
        (3)   update its disclosures pursuant to Rule .1812 of this Section.

18 NCAC 07J .1806   IDENTITY PROOFING TEST
An identity proofing solution shall test the identity of individuals who present themselves to the solution pursuant to Rules .1807-.1809 of this Section.

18 NCAC 07J .1807   IDENTITY   PROOFING   PROCESS   USING   KNOWLEDGE-BASED AUTHENTICATION
An identity proofing solution using knowledge-based authentication to comply with G.S. 10B-134.11(a)(2)b shall:
        (1)   require the remotely located individual to attempt an online quiz meeting the requirements of Item (2) of this Rule;
        (2)   present a quiz to the remotely located individual that shall:
                (a)   consist of a minimum of five questions:
                        (i)   related to the individual's personal history or identity; and
                        (ii)   formulated from public or private data sources;
                (b)   have a minimum of five possible answer choices for each question;
                (c)   require the individual to submit all answers within two minutes;
                (d)   require at least 80 percent of the questions to be answered correctly in order to receive a passing score; and
        (3)   inform the individual whether the quiz has been passed or failed, and if failed, of the option to retake the quiz pursuant to Rule .1808 of this Section.

18 NCAC 07J .1808   RE-TAKING OF QUIZ BY INDIVIDUAL
An identity proofing solution using knowledge-based authentication to comply with G.S. 10B-134.11(a)(2)b shall:
      (1)   allow an individual who failed a first attempt to make a single subsequent attempt to pass the quiz if the attempt is initiated within one minute of the first failed quiz; and
      (2)   ensure that at least 40 percent of the questions from the first quiz are replaced for the second quiz.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1809   NOTICE OF IDENTITY PROOFING METHODS AND OUTCOMES
After one or more identity proofing tests are concluded, an identity proofing solution shall provide the methods and outcomes of all identity proofing tests:
      (1)   for a principal, to the notary public performing the notarial act prior to a notarial transaction; and
      (2)   for a notary public, to the technology solution provider pursuant to:
           (a)   Rule .1201 of this Subchapter; or
           (b)   Rules .1410 and .1411 of this Subchapter.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1810   VERIFICATION DATA CONFIDENTIAL
The identity proofing solution shall keep confidential all information specific to the notary public or the principal that is acquired or used during the identity proofing process.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1811   DATA STORAGE PROHIBITED FOR IDENTITY PROOFING SOLUTION
An identity proofing solution shall not store any data specific to the notary public or the principal that is acquired from the identity proofing process after the conclusion of the process.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1812   ADDITIONAL IDENTITY PROOFING DISCLOSURES
Immediately after the information required by Rule .0608 of this Subchapter, an identity proofing solution provider shall:
      (1)   publish the information required by Rule .1813 of this Section; and
      (2)   display the information as required by Rule .1814 of this Section.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1813   CONTENT OF ADDITIONAL IDENTITY PROOFING DISCLOSURES
An identity proofing solution provider's additional disclosures pursuant to Rule .1812 of this Section shall include:
      (1)   the method of identity proofing used. Note: Examples of identity proofing methods may be described as biometric or knowledge-based authentication;
      (2)   the results of the identity proofing solution trial required by Rule .1805 of this Section;
      (3)   whether the trial of the identity proofing solution was performed by the solution provider or by a third party, and the name and contact information for the third party, if applicable; and
      (4)   the year in which the trial was conducted.

18 NCAC 07J .1814   IDENTITY PROOFING DISCLOSURE FORMAT

An identity proofing solution provider shall:

    (1)   present the additional disclosures required by Rule .1813 of this Section in tabular form in the order shown in the table in this Rule;

    (2)   place the results described in Rule .1804 of this Section in the table in this Rule in the appropriate location; and

    (3)   engineer the table in this Rule as specified in the Department's protocols to support accommodation pursuant to G.S. 10B-134.1(1).

[Insert Technology Provider Name] Identity Proofing Performance Disclosures		
Overall Success Rate: [result from Rule .1804(1) of this Section] %		
Method of Identity Proofing [Insert method from Rule 18 NCAC .1813(1) of this Section]		
	Score	Number of Tests
Identity proofing false positive rate:	[result from Rule .1804(2) of this Section] %	[divisor in Rule .1804(3) of this Section as defined in Rule .1801(2) of this Section]
Identity proofing false negative rate:	[result from Rule .1804(3) of this Section]%	[divisor in Rule .1804(2) of this Section as defined in Rule .1801(1) of this Section]
System error rate:	[result from Rule .1804(4) of this Section]	
Total number of identity proofing tests:	[divisor from Rule .1803 of this Section]	
Entity conducting the identity proofing trial:	[See Rule .1813(3) of this Section]	
Year of identity proofing trial:	[See Rule .1813(4) of this Section]	

SECTION .1900 – APPLICATION FOR IDENTITY PROOFING SOLUTION AUTHORIZATION

18 NCAC 07J .1901   REQUIREMENTS FOR AUTHORIZATION TO PROVIDE IDENTITY PROOFING SERVICES

An identity proofing provider applicant shall meet requirements established in:

    (1)   Article 2 of Chapter 10B of the General Statutes;

    (2)   applicable standards set forth in the Department's Protocols; and

    (3)   the rules in this Subchapter except:

        (a)   Sections .0700-.1700; and

        (b)   Sections .2000-.2200.

18 NCAC 07J .1902   DURATION OF IDENTITY PROOFING APPROVAL

An approval from the Department of an identity proofing solution authorizes the identity proofing provider to directly or indirectly offer its identity proofing solution to North Carolina notaries public for three years from the date of its approval.

18 NCAC 07J .1903   APPLICATION FORM FOR IDENTITY PROOFING SERVICES

An applicant for identity proofing services shall complete and submit the form described in 18 NCAC 07B .0426.

SECTION .2000 – CUSTODIAL SERVICES STANDARDS

18 NCAC 07J .2001   CUSTODIAN REQUIREMENTS

The rules in this Section apply to third-party custodians and IPEN solutions and platforms that are or become custodians.

18 NCAC 07J .2002   RECEIPT FROM CUSTODIAN TRANSFEREE

A custodian transferee shall create a receipt and provide it to the transferor confirming that:
      (1)   the custodian has received from the depository or custodian transferor:
            (a)   one or more session records; and
            (b)   a copy of the session record logs associated with the session records; and
      (2)   the session records and associated session record logs have been:
            (a)   received; and
            (b)   verified as unmodified and uncorrupted.

18 NCAC 07J .2003   AUTHENTICITY OF CUSTODIAN RECORDS

A custodian shall ensure each session record obtained from a transferring depository or custodian is stored unchanged upon receipt.

18 NCAC 07J .2004   NOTARY ACCESS TO SESSION RECORD FROM CUSTODIAN

A custodian shall allow a notary public to view, copy, print, and download any of the notary's session records in its possession within 48 hours of a request by the notary at no cost.
Note: This rule shall not apply to planned service outages for which notice is provided pursuant to Rule .0205 of this Subchapter.

18 NCAC 07J .2005   SEARCHABLE SESSION RECORDS
The custodian shall ensure that a notary public's session records may be searched by any field described in Rule .1006 of this Subchapter.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .2006   SESSION RECORD STORAGE LOCATIONS
A custodian shall maintain copies of each session record and session record log in two or more geographically separated data facilities.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .2007   DURATION OF STORAGE FOR CUSTODIAN
Unless it transfers the session record to another custodian, a custodian shall not delete the record until a minimum of 10 years have elapsed since the last committed journal entry associated with that record, whether original or supplemental.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .2008   TIME LIMIT FOR TRANSFER FROM CUSTODIAN
A custodian shall transfer a session record and associated session record log to another custodian designated by a notary public no later than 10 days from the earlier of:
        (1)   receipt of a written request from the notary public to transfer the record; or
        (2)   the expiration of the custodian's contract with the notary.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .2009   SESSION RECORD DELETION BY CUSTODIAN UPON TRANSFER
A custodian that transfers a session record to another custodian shall delete the record only after receiving confirmation from the transferee that the record has been:
        (1)   accepted; and
        (2)   verified as unmodified and uncorrupted.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .2010   OPTIONAL EXTENDED RETENTION OF SESSION RECORDS
A custodian may preserve a session record longer than the retention time established by the rules in this Subchapter if the electronic notary public:
        (1)   authorizes the extended retention period in writing; and
        (2)   specifies the duration of the extended retention period.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .2011   SESSION RECORD MARKED FOR EXTENDED RETENTION

A custodian shall provide a means to designate session records that are subject to mandatory retention pursuant to Rule .2012 of this Section.

History Note: *Authority G.S. 10B-4; 10B-1. 06; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2012   MANDATORY EXTENDED RETENTION OF SESSION RECORD UPON NOTIFICATION
A custodian shall retain a session record longer than the time period identified by Rule .2007 of this Section:
  (1) if directed by the Department to retain the records pursuant to an investigation authorized by G.S. 10B-60; or
  (2) upon receipt of a legal notification requiring the custodian, notary public, or principal to preserve the record.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2013   DELETION UPON EXPIRATION OF MANDATORY EXTENDED RETENTION
If a custodian is required to preserve a session record pursuant to Rule .2012 of this Section, the custodian shall not delete the record until:
  (1) the Department notifies the custodian that the investigation is concluded; or
  (2) the custodian has no further legal obligation to preserve the record.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2014   DELETION OF SESSION RECORD ENTRY IN LOG
A custodian shall enter in the associated session record log the date that a session record is deleted.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2015   SESSION RECORD LOG RETENTION BY CUSTODIAN
Each session record log shall be retained by the custodian for no less than 15 years from the date of the notarial session that the entry describes.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2016   TRANSFER OF DEPOSITORY SESSION RECORD LOG BY CUSTODIAN
The depository session record log shall accompany each session record transferred by a transferor custodian to custodian transferee.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2017   CUSTODIAN ENTRY IN DEPARTMENT'S DATABASE
Upon validation pursuant to Rules .1012 and .2002 of this Subchapter, a custodian that is a transferee or a transferor shall update the Department's database with the following information:
  (1) the session identifier;

     (2)   the four-digit identifying number assigned to the technology provider making the entry into the Department's database;

     (3)   the four-digit identifying number assigned to the transferor;

     (4)   for the transferee the four-digit identifying number assigned to the transferee custodian; and

     (5)   the date and time of the transfer.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .2018   NOTICE OF CESSATION OF CUSTODIAL SERVICES

A custodian shall provide 60 days of notice to its subscribers and notary public account holders before it ceases to provide custodial services due to:

     (1)   bankruptcy;

     (2)   discontinuation of custodial services to North Carolina notaries; or

     (3)   going out of business.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .2019   CUSTODIAN CONTINUITY OF SERVICES

A custodian shall not discontinue its custodial services to North Carolina notaries public until all session records and associated session record log entries in its possession are transferred to the custodians designated by the notaries.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .2020   ADDITIONAL CUSTODIAN DISCLOSURES

Immediately following the information required by Rule .0608 of this Subchapter, a custodial services provider shall:

     (1)   publish on its website the information required by Rule .2021 of this Section; and

     (2)   format the information as required by Rule .2022 of this Section.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .2021   CONTENT OF ADDITIONAL CUSTODIAN DISCLOSURES

A custodian's additional disclosure pursuant to Rule .2020 of this Section shall include information regarding:

     (1)   projected time that the custodial services solution will be unavailable for use to the notary due to scheduled maintenance each month;

     (2)   the business hours during which a customer support representative is available for consultation;

     (3)   the average wait time during business hours for a response from a customer support representative; and

     (4)   the custodian's technical issues resolution targets, which shall include:

          (a)   categorization of service disruptions based on a numeric scale or denoted by single words such as "critical," "high," "medium," and "low;"

          (b)   a plain language description of each category; and

          (c)   the maximum projected resolution time for issues encountered in each category.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .2022   CUSTODIAN DISCLOSURE FORMAT
A custodian shall:
> (1)   present the additional disclosures required by Rule .2020 of this Section in tabular form in the order shown in the table in this Rule;
> (2)   place the provider's responses described in Rule .2021 of this Section in the table in this Rule in the appropriate location; and
> (3)   engineer the table in this Rule as specified in the Department's protocols to support accommodation pursuant to G.S. 10B-134.1(1).

[Insert Technology Provider Name] **Custodian Disclosures**	
Projected monthly maintenance downtime: Customer support hours: Average customer support wait time:	[Rule .2021(1)(a) of this Section] [See Rule .2021(1)(b) of this Section] [See Rule .2021(1)(c) of this Section]

Service Disruption Response Times		
Category	Category Description	Projected Resolution Time
[See Rule .2021(2)(a) of this Section]	[See Rule .2021(2)(b) of this Section]	[See Rule .2021(2)(c) of this Section]

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

SECTION .2100 – APPLICATION FOR CUSTODIAL SERVICES AUTHORIZATION

18 NCAC 07J .2101   REQUIREMENTS FOR AUTHORIZATION TO PROVIDE CUSTODIAL SERVICES
A custodial services applicant shall meet the requirements established in:
> (1)   Article 2 of Chapter 10B of the General Statutes;
> (2)   the applicable standards set forth in the Department's Protocols; and
> (3)   the rules in this Subchapter, except:
>> (a)   Sections .0700-.1900; and
>> (b)   Section .2200.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .2102   DURATION OF CUSTODIAN APPROVAL
A custodial services solution approval authorizes the custodian to directly or indirectly offer its custodial services solution to North Carolina notaries public for three years from the date of its approval.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .2103   APPLICATION FORM FOR CUSTODIAL SERVICES
A person applying to provide custodial services shall complete and submit the form described in 18 NCAC 07B .0427.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

SECTION .2200 – CUSTODIAL NOTARIES

18 NCAC 07J .2201   SCOPE
The rules in this Section shall apply only to an electronic notary public who is approved as a custodial notary.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .2202   CUSTODIAL NOTARY DEEMED APPROVED
A notary public shall be deemed to have applied and been approved as that notary's own custodian if the notary:
      (1)   complies with 18 NCAC 07H .0506; and
      (2)   agrees in writing to comply with the rules of this Subchapter applicable to custodial notaries.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .2203   CUSTODIAL NOTARY AS CUSTODIAN AND TECHNOLOGY PROVIDER
A custodial notary shall be deemed a custodian and technology provider and comply with Rule .2204 of this Section.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .2204   RULES APPLICABLE TO CUSTODIAL NOTARIES
A custodial notary shall comply with the following rules:
      (1)   18 NCAC 07H Section .0500;
      (2)   Rules .0101, .0104, .0106-.0108, .0112, and .0115 of this Subchapter;
      (3)   Rule .0208 of this Subchapter;
      (4)   Rules .0611(1) and .0612 of this Subchapter; and
      (5)   Rule .2007 of this Subchapter.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .2205   CUSTODIAL NOTARY SESSION RECORD STORAGE LOCATIONS
(a) A custodial notary shall maintain two copies of each session record that shall not be stored on the same device.
(b) A custodial notary shall ensure that at least one of the two session record copies is maintained in electronic form.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .2206   PROVIDING CUSTODIAL SERVICES AFTER ELECTRONIC NOTARY REGISTRATION TERMINATION
An electronic notary public may continue serving as a custodial notary for session records in the notary's possession after the termination of the notary's electronic notary registration so long as the individual continues to comply with the rules applicable to custodial notaries.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;
10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .2207   EFFECT OF DISCIPLINARY ACTION ON SERVICE AS CUSTODIAL NOTARY

An electronic notary public shall not continue serving as a custodial notary if specifically prohibited by departmental disciplinary action.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .2208   LIMITATION ON CUSTODIAL NOTARY AFTER REGISTRATION EXPIRATION

A former electronic notary public who is a custodial notary shall not take custody of additional session records after the electronic notary's registration ends.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .2209   CUSTODIAL NOTARY ANNUAL VERIFICATION FORM

A custodial notary shall, using the form described in 18 NCAC 07B .0428, annually:
(1)   verify that the electronic notary has complied with all rules applicable to custodial notaries in this Section; and
(2)   provide information regarding the electronic notary's continuation of service as a custodial notary.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .2210   SUBMISSION OF ANNUAL VERIFICATION

A custodial notary shall submit the form described in 18 NCAC 07B .0428 on or before December 31st of each year.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .2211   FINAL CUSTODIAL NOTARY VERIFICATION FORM

An electronic notary public's obligations as a custodial notary cease when the electronic notary submits the form described in 18 NCAC 07B .0428 confirming that:
(1)   the required retention period for all session records in the custodial notary's possession has expired; or
(2)   the custodial notary has transferred all session records to an approved custodian.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.