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;*
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