

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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