



Ohio Revised Code Section 147.65 Electronic journals.

Effective: September 20, 2019

Legislation: Senate Bill 263 - 132nd General Assembly

(A) An online notary public shall maintain one or more electronic journals in which the online notary public records, in chronological order, all online notarizations that the online notary public performs. The electronic journal shall enable access by a password or other secure means of authentication and be in a tamper-evident electronic format complying with the rules of the secretary of state adopted under section 147.62 of the Revised Code.

(B) For every online notarization, the online notary public shall record the following information in the electronic journal:

- (1) The date and time of the notarial act;
- (2) The type of notarial act;
- (3) The title or a description of the record being notarized, if any;
- (4) The electronic signature of each principal;
- (5) The printed full name and address of each principal;
- (6) If identification of the principal is based on personal knowledge, a statement to that effect;
- (7) If identification of the principal is based on satisfactory evidence of identity pursuant to division (E)(2) of section 147.64 of the Revised Code, a description of the evidence relied upon, including the date of issuance or expiration of any identification credential presented;
- (8) If identification of the principal is based on a credible witness or witnesses, the name of the witness or witnesses;



- (9) If the notarization was not performed at the online notary public's business address, the address where the notarization was performed;
- (10) A description of the online notarization system used;
- (11) The fee, if any, charged by the notary;
- (12) The name of the jurisdiction in which the principal was located at the time of the online notarization;
- (13) The recording upon which the identification of the principal is based, as required under division (D)(3) of this section;
- (14) Any other information required by the secretary of state.
- (C) An online notary public shall not record a social security number in the electronic journal.
- (D) An online notary public shall do all of the following:
- (1) Take reasonable steps to ensure the integrity, security, and authenticity of online notarizations;
- (2) Take reasonable steps to ensure that the two-way, audio-video communication used in an online notarization is secure from unauthorized interception;
- (3) Create and maintain pursuant to this section a complete recording of the audio-video communication that is the basis for identification of a principal for each online notarization;
- (4) Maintain a backup for the electronic journal required by division (A) of this section and the audio-video recordings required by division (D)(3) of this section ;
- (5)(a) Safeguard the electronic journal and all other notarial records by doing all of the following:
- (i) Not allowing the electronic journal to be used by another notary;



(ii) Creating the audio-video recording required under division (D)(3) of this section in a tamper-evident electronic format complying with the rules of the secretary of state adopted under section 147.62 of the Revised Code;

(iii) Protecting the electronic journal and audio-video recordings from unauthorized use.

(b) An online notary public may use a third party to keep and store the electronic journal. The secretary of state shall adopt, in rules under Chapter 119. of the Revised Code, standards pertaining to the use of such a third party.

(6) Surrender or destroy the electronic journal and all other notarial records only by rule of law, by court order, or at the direction of the secretary of state;

(7) Not surrender the electronic journal to an employer upon termination of employment.

(E)(1) An employer shall not retain the electronic journal of an employee who is an online notary public when the notary's employment ceases.

(2) Notwithstanding division (E)(1) of this section, an online notary public may make an agreement with a current or former employer pursuant to division (D)(5)(b) of this section.

(3) An online notary public may use any current or former employer approved as a repository by the secretary of state to meet all applicable repository requirements of this section or section 147.66 of the Revised Code and any associated rules.

(F) (1) Except as provided in division (E) of section 147.66 of the Revised Code, an electronic journal required under division (A) of this section and the audio-video recordings required by division (D)(3) of this section shall be maintained by the online notary public during the term of the online notary public's authorization to perform online notarizations.

(2) Upon the expiration, pursuant to division (D) of section 147.63 of the Revised Code, of the notary public's authorization to conduct online notarizations, the online notary public shall transmit



the electronic journal to the secretary of state or to a repository approved by the secretary of state.

The secretary of state or repository shall maintain the electronic journal for a period of ten years. If the electronic journal is transmitted to a repository, the online notary public shall inform the secretary of state where the journal is located during this period.

(3) If the notary public renews the notary public's authorization to conduct online notarizations pursuant to division (D) of section 147.63 of the Revised Code, the notary public shall, beginning on the date the renewal is effective, maintain a new electronic journal in accordance with this section.

(G) (1) Except as provided in divisions (G)(2) and (3) of this section, any person may inspect or request a copy of an entry or entries in the online notary public's journal, provided that all of the following are met:

(a) The person specifies the month, year, type of record, and name of the principal for the notarial act, in a signed tangible or electronic request.

(b) The notary does not surrender possession or control of the journal.

(c) The person is shown or given a copy of only the entry or entries specified.

(d) A separate new entry is made in the journal, explaining the circumstances of the request and noting any related act of copy certification by the online notary public.

(2) Notwithstanding division (A)(5) of section 147.141 of the Revised Code, an online notary public may certify copies made from the online notary public's electronic journal.

(3) An online notary public who has a reasonable and explainable belief that a person requesting information from the notary's journal has a criminal or other inappropriate purpose may deny access to any entry or entries.

(4) An attorney authorized to conduct online notarizations shall only allow inspection, or provide copies, of an entry or entries in the attorney's journal if the requesting party was a principal in the transaction or transactions to which the journal entry or entries apply or if the requesting party is



acting on a principal's behalf. An attorney may deny a request to inspect or receive copies of a journal entry based on attorney-client privilege.

(5) The secretary of state, or a repository approved by the secretary of state, shall only allow inspection, or provide copies of, an entry or entries in a journal deposited with the secretary or the repository by an attorney authorized to conduct online notarizations if the requesting party was a principal in the transaction or transactions to which the journal entry or entries apply or if the requesting party is acting on a principal's behalf.

(H)(1) The journal may be examined and copied without restriction by a law enforcement officer, as defined in section 2901.01 of the Revised Code, in the course of an official investigation, subpoenaed by court order, or surrendered at the direction of the secretary of state.

(2) Notwithstanding division (H)(1) of this section, an attorney authorized to conduct online notarizations may object to the examination, or copying, of the attorney's journal pursuant to division (H)(1) of this section based on attorney-client privilege.