To: Notary Technology Providers

From: Office of Business Services

Date: June 2, 2022

Re: Standards for Use of Digital Certificates by Notaries Public

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Pursuant to KRS 423.415, as implemented by administrative regulation 30 KAR 8:005 Section 4(1), a notary public who is registered to perform notarial acts with respect to electronic records is required to attach or logically associate his or her electronic signature and stamp by means of a digital certificate issued by a third party certificate authority. No person shall require a notary public to use a technology that the notary public has not selected.

The digital certificate must be capable of authenticating both the electronic signature and stamp of the notary public, and any tampering must be self-evident (*i.e.*, without reference to an external audit trail). **Therefore, a technology platform may not use its own digital certificate as a substitute for the notary public's digital certificate.**

No later than June 30, 2022, a notary public who has not obtained a digital certificate issued to, and controlled by, the notary public as indicated in the digital certificate root path will be required to obtain a digital certificate and update his or her registration. Failure to comply with this standard may subject a notary public to discipline.

A digital certificate may be obtained by an online notary public from the Adobe Approved Trust List: https://helpx.adobe.com/acrobat/kb/approved-trust-list2.html

Pursuant to 30 KAR 8:005 Section 4(8)(b), each notary technology provider is required to "[t]ake reasonable steps to ensure that a notary public or digital certificate holder is able to use the technology provided in accordance with this administrative regulation." **Technology providers shall ensure their platforms are compatible with digital certificates selected by each notary public.**

Please direct any questions to Johnna Ballinger at (502)782-7442 or Johnna.ballinger@ky.gov.