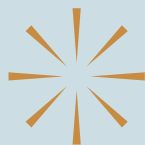# Notarize℠

The Guide to Online Notarization

Introduction

A notary is a public servant appointed by their states to ensure the authenticity and integrity of the document signing process.

For centuries, the only way a notary could do their job was in person. You would take your notarial needs to a bank, title company, or small business service center with confidence. However many of these places no longer staff notaries or refuse to handle certain documents. You could scour Yelp or the Yellow Pages for hours without finding a definitive answer.

Innovation has long overlooked the notarial process, but the time for transformation has finally come.

Thanks to online notarization, verifying a document has become simpler, safer, and smarter. Specifically, remote online notarization (RON), allows signers to connect with a notary, from anywhere in the world, using a computer or mobile device. Since remote online notarization legislation was first introduced in Virginia in 2011, millions of transactions have been completed nationwide using online notarization technologies.

As of April 2022, 37 other states have followed Virginia's lead by enacting laws authorizing their notaries to employ remote online notarization, while nearly every other state has started to explore its benefits.

Traditional, paper-based notarization is a blocker for everyday people and businesses. Technology can now unblock this workflow, saving time and money with a simpler, safer, smarter solution.

Technology and the Notary Public

In our relatively anonymous but interconnected world, society demands a system that enforces and reinforces integrity, honesty, and trust. Having an impartial witness verify the authenticity of a transaction assures its integrity and is an equally powerful deterrent to fraud.

The notary's seal is the original "Stamp of Approval." It confirms that an objective third party verified the signer's identity, that the signer understood the contents of their documents, and that the signer signed those documents willingly.

NOTARY TOOLS AND THEIR EVOLUTION

The role of notary public traces back to ancient Egypt, where scribes would record personal letters, official proclamations, and tax records.

For hundreds of years, a notary stamped the document with a wax seal and signed it with a feather quill. As technology evolved, the wax seal was replaced by a rubber stamp, and the quill was replaced first by the fountain pen, followed by the ball-point pen.

But throughout the 20th century, fraudsters developed increasingly sophisticated ways to forge signatures and fabricate forms of identification. This has presented enormous challenges for traditional, paper-based notarizations, which lack digital tools that are better at catching fraud.

Incorporating technology into the notarial act ensures that a notary can properly authenticate a transaction. Modern tools that validate identity online, such as credential analysis and knowledge-based authentication, are mature and readily available, and applying a secure eSignature with thorough audit trails of the entire process is now commonplace.

Online notarization platforms, such as Notarize℠, provide notaries with these powerful tools, empowering them to continue to perform their traditional function in a way that remains trustworthy and reliable in the digital age.

SUMMARY

Online notarization platforms like Notarize℠ are better at preventing fraud than traditional, paper-based notarizations.

What is Online Notarization?

Online notarization, as the name implies, conducts notarizations using digital technology. While there are some other forms of online notarization, we'll focus here on remote online notarization. Remote online notarization allows documents to be notarized in electronic form with the signer signing with an electronic signature and appearing before a commissioned notary online via audio-video technology. This allows anyone with an internet connection to get documents signed and notarized online.

Consumers no longer have to find time in their schedule to pop by a storefront or negotiate an amicable time and place to meet a mobile notary. They can now connect with a notary using a laptop, tablet, or smartphone through third-party providers.

Validating someone's identity is a pillar of the notarial act, and fundamental in a transaction where you need to trust the person on the other end. Vendors that stand out in remote online notarization prioritize security and invest in cutting-edge identity verification and authentication technologies that make the notarization process safer and more secure, as well as easier.

Here's how they do it.

SUMMARY

Online notarization allows documents to be notarized with a real-life notary via secure audio-video technology with the help of robust identity authentication technologies.

Fraud Prevention Through Modern Security

Identity proofing is complicated. While forgery does occur, the most common issue for notaries is human error. Notaries are human beings, and mistakes happen even in the best of circumstances.

Research shows that ID verification is difficult even with years of practice. A survey conducted by the National Notary Association (NNA) found that more than 32% of the 2,900 participants failed to catch imposters in an ID-matching quiz. The same group claimed people identified those who matched their ID as imposters 31% of the time. A follow-up survey from the NNA and Louisiana State University found that a pool of 1,150 notaries could only identify imposters 72% of the time.

Today's notaries need access to additional online, database-driven identity verification tools that help them verify the identity of signers appearing before them. **Secure online notarization platforms will have:**

Multi-factor authentication

In the RON process, this helps to confirm identity by sending an email or message to a secondary device or account containing a personal code or link for verification.

Credential analysis

This is a core component of multi-factor authentication. For in-person notarizations, notaries would review a state- or government-issued photo ID or passport and determine if the person sitting in front of them matches the ID. When doing this remotely, an additional layer of analysis is added, running the ID through software-based processes to make sure it isn't fake, and that it's still valid.

SUMMARY

Notaries are human and make mistakes (like the rest of us). Online notarization platforms that rely on database-driven identity verification can mitigate human error and reduce fraud.

Knowledge-based authentication (KBA)

There are two types — static and dynamic. Most people are familiar with "static" KBA questions when setting up online accounts, where they're asked to answer a series of fixed questions that pertain to their personal experiences: "What street did you grow up on?" "What was the name of your first pet?" Users save their responses, and then must correctly answer the questions when resetting their password or adjusting their account settings.

Dynamic KBA authentication typically relies on third-party databases with access to public information to provide multiple, sophisticated questions with a range of correct answers. If static KBA asks about the street you grew up on, dynamic KBA asks "Which of these streets have you NEVER lived on or used as your address?" Instead of asking you about the color of your first car, dynamic KBA will ask you to identify the car models you've owned.

The issue with static KBA is that the average person now shares a great deal about themselves online. Personal accounts like Facebook and Gmail often include basic information normally used to answer static KBA questions. If a hacker can access some of your most basic information, they have a real chance at fooling static KBA.

Dynamic KBA is more effective because of the depth and breadth of questions, which reference both current and historical information. This is critical for safeguarding against identity fraud, and is a step that is left out with in-person notarizations.

SUMMARY

Dynamic knowledge-based authentication (KBA) is the most effective type of KBA to prevent fraud. Online notarization platforms must utilize this tactic to mitigate the risk of identity fraud in online notarizations

How Online Notarization Works Nationwide

As of February 2022, 38 states have enacted laws authorizing their notaries to perform notarizations online.

We know what you're thinking: If only 38 states have passed RON laws, how is it possible that people living in any state can get their documents notarized online?

Notaries are public officials commissioned by their state to perform notarizations in compliance with the laws of their state. So when we talk about states that have passed RON legislation, these are bills that allow the notaries of their state to tap into the online notarization marketplace. These bills have no impact on businesses or consumers, who can receive a valid notarization from any properly commissioned remote notary.

To ensure the free flow of interstate commerce, each state has implemented specific state-level statutes which reinforce and clarify their unconditional recognition and acceptance of notarizations from another state. The reason for this long-standing, reciprocal interstate recognition is simple: Americans notarize over a billion documents each year, and those documents are used all over the country. Therefore, it's important that notarial acts are "valid" forever, regardless of time or location.

Interstate recognition

means that there is an unconditional recognition and acceptance of notarizations from another state. So as long as the notary is based in a state that has passed RON legislation, the notarization has legal merit in all states.

The reciprocal interstate recognition of notarial acts rests on the idea that notarizations are:

Portable

A properly notarized document is accepted as such essentially anywhere in the United States without further proof of the notary's authority; and

Durable

A properly notarized document retains its value over time.

When signers connect with a remote notary, the notary must follow the RON laws as passed by their state, because what matters is the location of the notary, not the signer. Interstate recognition then allows these notarizations to be valid and enforceable in every state.

Interstate recognition is more than a matter of convenience. It's vital to interstate commerce that states recognize the integrity of the notarial act, even if the legal requirements for the notarial transaction do not sync up across states. Interstate recognition has been repeatedly applied by the Supreme Court and many lower-level courts over the last 150 years.
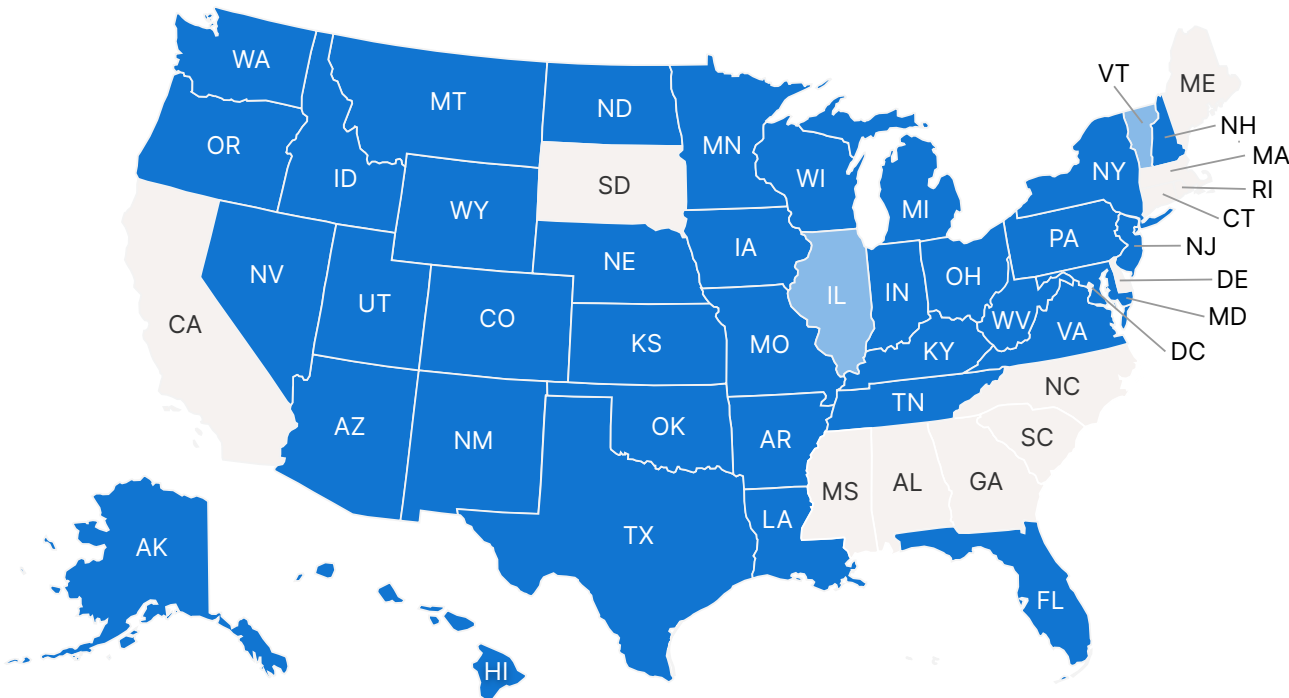
The Expansion of RON Laws

As previously mentioned, signers residing in all 50 states can have a document remotely notarized and accepted as valid.

But which states allow their notaries to perform remote online notarizations? Here is a look at which states have passed a RON law, which states have made the law effective, and which ones are yet to allow their notaries to perform online notarizations as of April 2022.

The key takeaways from the current state of remote online notarization laws are these. First, RON laws have expanded rapidly from the single state of Virginia in 2011 to 38 states in February of 2022. Second, even signers who live in states without RON laws still have access to remote online notarization, since remote notarizations performed by properly commissioned remote notaries in RON states are valid in other states through interstate recognition.

36 states currently allow thier commissioned notaries to *perform* remote online notarizations.

All **50** states *accept* remotely notarized documents.

RON Law Passed & Effective
(36 States)

RON Law Passed & Not Effective
(2 States)

Without RON Law
(12 States)

*** This map is a nationwide legislative state of play and does not represent where Notarize currently has an available product.*

Online Notarization FAQs

Let's conclude by answering some of the most commonly asked questions about online notarization.

What is Remote Online Notarization?

Remote online notarization is a form of online notarization that allows a person to appear before a properly commissioned notary public remotely in real-time using audio and video technologies.

Is online notarization legal?

Yes! Online notarization is just another method of performing notarizations. A remotely notarized document is as legally valid as one notarized via traditional paper-based notarization.

What is required for an online notarization through Notarize℠?

- A device with these audio/video capabilities and an internet connection
- A document intended for use in the United States
- A U.S. Social Security Number
- Valid government-issued photo ID from this list

Where are online notarizations valid and enforceable?

Online notarizations are valid and enforceable in every state.

As public officials commissioned by their state, notaries must perform notarizations in compliance with the laws of their state. At the same time, every state recognizes notarial acts that are properly performed by notaries of other states.

Can the signer in an online notarization be located in another state or country?
Yes. Notaries are generally required to be located in their commissioning state when performing notarizations. Signers however, do not have to be located in the same state or country as the notary during the notarization.

What types of documents can be notarized online?
Nearly every document that can be notarized in the paper world can be notarized online on the Notarize℠ platform. However, certain documents are restricted. Always check with your own advisors and document recipients if you have any questions about whether your documents may be notarized online.

How does Notarize℠ ensure the security and privacy of personal information on notarized documents?
Notarize℠ employs various security measures to ensure the security and privacy of personal information on the Notarize℠ platform including the encryption and protection of all data in transit and at rest using AES-256 bit encryption and tracking of all application access. The Notarize℠ platform has also been subjected to various comprehensive information security audits and penetration testing. For more information on Notarize℠' s privacy practices, see Notarize℠'s Privacy Policy.

How does Notarize℠ protect against notaries engaging in fraud or theft in connection with a notarization?
On-demand notaries in Notarize℠ Notary Network must pass an annual background check performed by the National Notary Association (NNA). Notaries are also unable to access the signer's ID photo or notarized documents after the notarization.

Is Notarize℠ HIPAA compliant?

Yes. The Health Insurance Portability and Accountability Act (HIPAA) establishes standards for the protection of sensitive patient information in electronic healthcare transactions. Notarize℠ is able to support HIPAA compliance for any organization that meets the definition of a covered entity and signs a business associate agreement (BAA) with Notarize℠ that delineates each party's roles and responsibilities. While Notarize℠ does not have its own BAA form, we can review the companies on a case by case basis

Is Notarize℠ GDPR compliant?

The Notarize℠ platform is used solely for US transactions. Notarize℠ is not established in the EU and does not monitor or provide services to EU subjects/residents. Therefore, Notarize℠ is not subject to the GDPR.

Has Notarize℠ undergone a SOC 2 type 1 audit?

Yes. Notarize℠ has a SOC 2 Type 1 attestation.

About Notarize℠

Notarize℠ is the leader in online notarization, which is simpler, smarter and safer than notarizing documents on paper. From buying or selling a home to adopting a child, Notarize℠ is bringing trust online 24/7 for life's most important moments.

For more information, please visit notarize.com.