

**November 16, 2020**

Ms. Andrea Gyger  
Dept. Rulemaking Program Manager  
Office of Secretary of State Jena Griswold  
1700 Broadway, Suite 200  
Denver, CO 80290

***RE: Notary Program Rules (8 CCR 1505-11)***

Dear Ms. Gyger:

Notarize appreciates the opportunity to comment on the Colorado Office of the Secretary of State (the Office) proposed changes to the Notary Program (8 CCR 1505-11). We applaud the Office's leadership in establishing regulations around the use of remote online notarization services.

**ABOUT NOTARIZE**

Notarize is a digital platform that uses technology and live human interaction to establish identities. We are one of the first notary public platforms to allow any person or business to get their documents legally notarized online, 24/7. Our mission is to help people execute the most important transactions of their lives and to make notarization more convenient, secure, and verifiable.

Our platform creates a secure digital signing table that notaries public may use to conduct electronic notarial acts utilizing communication technology while obtaining satisfactory evidence of identity of the remotely located individual. Our goal is to build trust in a digital age through a protected online transaction.

**COMMENTS**

We thank the Office for accepting industry feedback during the remote online notarization rulemaking process. We appreciate the focus on protections and safeguards for notaries public and look forward to partnering with you to offer this secure and convenient service to the State of Colorado. We offer the following five comments for consideration.

1. We thank the Office for continuing protections around data privacy. At Notarize, we believe the consumer owns their data. Remote online technology vendors are under the full weight of the data privacy laws. They do not have exemptions.

2. We ask for clarification on the minimum fee. The national standard has been \$25, and we are looking for insight as to what the Office considers is covered by the fee.
3. Based on the law, the journal and audio/video recording must be deleted from the system completely once the notary is suspended, terminated or dies. We ask for guidance on how this should be handled when the data that populates the journal including a copy of the audio/video recording serves as a business record or convenience copy on a vendors system at the direction of a business or a consumer.
4. We ask for clarification on how detailed our reporting must be when we make system or policy changes. System updates occur weekly, not all of those updates are material or relate to specific statutory requirements. Additionally, State laws require constant updates to our technology, and we ask that the Office set an annual or biannual reporting process for technology and privacy policy changes vs. in real time updates. In addition, we ask the Secretary of State to create an approval checklist application process instead of individually approving each technology vendor.
5. We urge the Office to reconsider the timing of the verification of notary status. We ask that in absence of a readily usable API created by the Office for which a vendor can connect to perform the check in an automated fashion that instead vendors are required to check notary status quarterly or annually as other states have required.

## CONCLUSION

The pandemic highlighted the need for access to digital services as a safety issue, not just for convenience. We believe all consumers and communities should have the option to use digital services and platforms, like Notarize and remote online notarization.

We thank the Office of the Secretary of State for efforts to provide Coloradans with access to remote online notarization and appreciate the opportunity to provide comments on proposed regulations. Please don't hesitate to reach out if you have questions. I am available at 703-623-3743 or [nicole.booth@notarize.com](mailto:nicole.booth@notarize.com). We look forward to partnering with the State of Colorado as we move forward.

Sincerely,



Nicole Booth  
Executive Vice President, Public Affairs  
Notarize