

Kansas Administrative Regulations

Secretary of State

Article 43.—Notaries Public

7-43-23. Record retention and repositories.

(a) Each journal shall be retained for at least 10 years after the last notarial act chronicled in the journal. Each audiovisual recording shall be retained for at least 10 years after the recording is made.

(b) Each notary public who maintains a notary public journal in an electronic format shall meet the following requirements:

(1) Retain the journal and any audiovisual recordings in a way that protects the journal and recordings against unauthorized access by means of a password or other secure means; and

(2) take reasonable steps to ensure that a backup of the journal and audiovisual recordings exists and is secure from unauthorized use.

(c) On the death or adjudication of incompetency of a current or former notary public, the notary public's personal representative or guardian or any other person knowingly in possession of a journal or an audiovisual recording shall perform one of the following:

(1) Comply with the retention requirements of this regulation;

(2) transmit each journal and audiovisual recording to one or more repositories under subsection (d); or

(3) transmit each journal and audiovisual recording in an industry-standard readable data storage device to the secretary.

(d) A notary public, a guardian, conservator, or agent of a notary public, or a personal representative of a deceased notary public may, by written contract, engage a third party to act as a repository to provide the storage required by this regulation if a third party has verified to the secretary under penalty of perjury that the party meets the requirements specified in this regulation. The contract shall meet either of the following requirements:

(1) Enable the notary public, the guardian, conservator, or agent of the notary public, or the personal representative of the deceased notary public to comply with the retention requirements of this regulation even if the contract is terminated; or

(2) provide that the information will be transferred to the notary public, the guardian, conservator, or agent of the notary public, the personal representative of the deceased notary public, or the secretary if the contract is terminated.

(Authorized by K.S.A. 2021 Supp. 53-5a27; implementing K.S.A. 2021 Supp. 53-5a15 and 53-5a20; effective, T-7-6-30-22, June 30, 2022; effective Oct. 28, 2022.)

***** Authenticated Kansas Administrative Regulation *****