**Section 176.960 Electronic Journal Record Retention and Depositories**

a) A notary public must retain the electronic journal required and any audio-video recording created under 5 ILCS 312/6A-104 in a computer or other electronic storage device that protects the journal and recording against unauthorized access by password or cryptographic process. The recording must be created in an industry-standard, audio-visual file format and must not include images of any electronic record that was the subject of the electronic or remote notarization.

b) An electronic journal must be retained for at least 7 years after the last electronic or remote notarial act chronicled in the journal. An audio-visual recording must be retained for at least 7 years after the recording is made.

c) A notary public must take reasonable steps to ensure that a backup of the electronic journal and audio-visual recording exists and is secure from unauthorized use.

d) Upon 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 an electronic journal or audio-visual recording must:

1) Comply with the retention requirements of this Section;

2) Transmit the journal and recording to one or more depositories under subsection (e); or

3) Transmit the journal and recording in an industry-standard readable data storage device to the Illinois Secretary of State, Index Department at 111 E. Monroe St., Springfield, IL 62756.

e) A notary public, guardian, conservator, or agent of a notary public, or a personal representative of a deceased notary public may, by written contract, engage a third person to act as a depository to provide the storage required by this Section. A third person under contract under this Section shall be considered a depository. The contract must:

1) Enable the notary public, 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 Section even if the contract is terminated; or

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

f) The retention requirements for this Part do not apply to notaries in the course of their employment with a governmental entity.

(Source: Added at 47 Ill. Reg. 8640, effective June 5, 2023)