

Certifying Copies of a Notary's Record Book Entries

On occasion, a notary public may receive a request from the public for a copy or certified copy of one or more notarial acts that the notary previously performed and recorded in his or her notary's journal (also called a record book, register, or log). For example, a family member is questioning a will that was notarized two years prior, so another family member requests a copy of the recorded notarial act to verify the reliability of the will. Or, perhaps a spouse is claiming her signature was forged on a power of attorney that her husband used to sell a jointly-owned property, and now, for evidence in a lawsuit, she needs a certified copy of the notary record book entry relating to the power of attorney document.

How a notary public proceeds in these types of cases is important. When requested to provide a certified copy of an entry or to allow the inspection of the notary's register, every notary must respond according to state notary laws, administrative rules, and directives from the state's commissioning authority.

If the state's notary laws dictate that a notary's register is public information, the notary must respond in a timely fashion to requests for copies and inspection of journal entries. Failure to reply to a valid request for copies or inspection of the notary's register may result in suspension or revocation of the notary's commission.

For example, states such as Texas, Maryland, and Colorado deem notarial record book entries to be "public information," meaning that the notarial acts recorded in a notary's journal must be made available to any person requesting a certified copy and/or asking to inspect the notary's journal. Generally, the laws of such states mandate that notaries provide this service to any person requesting it upon the payment of fees.

Some states provide their notaries with step-by-step instructions on how to proceed with requests for certified copies and inspection of their notary journals. In Massachusetts and Mississippi, an individual requesting a certified copy of a notary record book entry must provide the notary with a written request containing the details of the notarial act in question. In order for the notary to comply, the requestor must: 1) produce satisfactory evidence of his or her identity; 2) sign the notary's journal; and 3) specify the month, year, type of document, and name of the person involved in the notarial act or acts. The requestor may be shown only the entry or entries defined in the request.

A request to inspect all pages of a notary's journal in Massachusetts can be honored only for law enforcement agencies in the event of a court-ordered subpoena, or when the Governor's Office orders the notary to surrender the journal. In Mississippi, such an inspection can only be requested by law enforcement officers, through a court-ordered subpoena, or by the Secretary of State. The notaries in these states are authorized to deny access to the notary record book if they have a reasonable belief that the requestor has a criminal or harmful intent in requesting the information.

Notaries in Hawaii and California must follow strict procedures when complying with requests for certified copies and/or inspection of their notary registers. In Hawaii, a person may view the notary's record books by submitting a written request to the Notary Public Program (NPP) with the Department of the Attorney General. The request must include the name of the notary public, the type of transaction, the date, and the signer's name. According to the NPP's website, the process for obtaining the requested copies and/or inspection of the notary records may take a while because the notary journal may be in storage or in possession of the notary, which may require NPP to contact the notary.

State laws in California require a subpoena *duces tecum* or a court order before a notary's journal can be examined, and the inspection must be in the presence of the notary. However, a notary is required to provide any member of the public with a copy of a transaction in the notary's journal provided that the written request contains the name of the parties, the type of document, and the month and year in which the transaction was notarized.

Notaries in some states, including Michigan, Illinois, and Alaska, are not required by their states' notary laws to record all notarial acts in notary registers; nevertheless, notaries are encouraged by their states' commissioning authorities to do so. Notaries who decide to maintain record books in those states must consult their states' laws to determine whether their notary register entries are public information. For example, Illinois notaries are not allowed to produce copies of entries in their notary journals, while Michigan notaries are required to provide copies of their notarial records only to the Department of State upon proper request.

Ultimately, notaries must consult their guiding statutes and their states' commissioning authorities to determine the proper course of action when third parties seek information from their notary record books. If state law stipulates that entries in a notary record book are public information, notaries are still obligated to take careful precautions when providing certified copies of their notarial records, as well as when their notary record books are being examined.

Failure to perform any act mandated by notary law may result in disciplinary action or the suspension or revocation of the notary's commission.

NOTE: Since Delaware DOES NOT require in keeping a journal (just recommended), the information you place in your journal are for you the notary only. Each piece of information should be held confidential and be seen only by the eyes of you the notary since it is a log so as you the notary can remember what transpired when that notarization was performed. When your journal is not in use it should be kept in a secure place along with your inked stamp and/or embosser whichever you may use to notarize. If you should receive a request for a copy or certified copy of one or more notarial acts that you have already performed or a request to inspect your notary journal, the Delaware Notary Association suggests that you may want to contact the State of Delaware Notary Public office at (302)739-4111 or email: Notary@Delaware.gov for direction in this manner. The information kept in your journal should never be compromised.