

Electronic Recording Delivery System Vendor of ERDS Software Certification Handbook

Addendum to the following ERDS Handbooks:
Baseline Requirements and Technology Standards
System Certification
Computer Security Auditor



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SECTION 1 INTRODUCTION

The Electronic Recording Delivery Act of 2004 authorizes a County Recorder, upon approval by resolution of the Board of Supervisors and system certification by the ERDS Program, to establish an Electronic Recording Delivery System (ERDS) for the delivery, and, when applicable, recording of specified digitized electronic records or digital electronic records that are an instrument of real estate transactions, subject to specified conditions, including system certification, regulation, and oversight by the ERDS Program.

The Attorney General has established the ERDS Program within the Department of Justice, which is responsible for implementing the requirements of the law. In carry out these duties the ERDS Program has established regulations under Title 11, Division 1, Chapter 18, Articles 1 through 9 of the California Code of Regulations. The regulations define guidelines, procedures and standards which shall ensure the security of an ERDS.

A County Recorder shall contract with a Vendor of ERDS Software certified by the ERDS Program, use in-house resources, or enter into an agreement with another public entity in establishing an ERDS. A Vendor of ERDS Software is a person and personnel, supporting and/or acting on behalf of the vendor who sells, leases, or grants use of, with or without compensation therefore, a software program for use by County Recorder(s) for establishing an ERDS.

This handbook describes the criteria and procedures to obtain certification as a Vendor of ERDS Software. These procedures are supplement to the California Code of Regulations, Title 11, Division 1, Chapter 18, Articles 1 through 9 and the Baseline Requirements and Technology Standards Handbook

An individual applying for certification as a Vendor of ERDS Software may obtain the Vendor of ERDS Software Certification application by downloading it from the ERDS web page at <http://ag.ca.gov/erds1>.

Contact Information:

Department of Justice
CJIS Operations Support Bureau
Electronic Recording Delivery System Program
P.O. Box 160526
Sacramento, CA 95816-0526

Telephone: (916) 227-8907
Fax: (916) 227-0595

E-mail address: erds@doj.ca.gov
Web Page: <http://ag.ca.gov/erds1>

SECTION 2 VENDOR OF ERDS SOFTWARE CRITERIA AND APPLICATION PROCESS

A Vendor of ERDS Software certification is based on an individual's references or service agreement(s) and having no disqualifying offense(s) based on a state and federal criminal record check from fingerprint submission.

(A) Application Submission - An individual seeking certification as a Vendor of ERDS Software shall complete and submit an Application for Vendor of ERDS Software Certification (ERDS Form #0003) to the ERDS Program.

- (1) The application shall be dated and signed declaring under penalty of perjury that under the laws of the State of California all the foregoing information, and all information submitted with the application is true, correct, and complete, and that a false or dishonest answer to any question shall be grounds for denial or subsequent termination or suspension of certification.

In addition, the individual shall attest to the fact that the software, at the time of development, will meet all of the audit and testing requirements as contained in the California Code of Regulations, Title 11, Division 1, Chapter 18, Articles 5 and 9, and acknowledges that the ERDS Program's issuance of the Vendor of ERDS Software Certificate shall include a "disclaimer" stating that the software is not being approved as to its ability to serve/function in an ERDS operational environment nor that it will meet all the County Recorder's requirements, only that the Vendor has stated that it will meet all of the audit and testing requirements.

(2) Reference(s) and Service Agreement(s) - Submit documentation with the Application for Vendor of ERDS Software Certification (ERDS Form #0003), as follows, to demonstrate that the individual has met the reference(s) or service agreement(s) required for certification as a Vendor of ERDS Software:

- (a) Complete the Attachment to ERDS Form #0003 Vendor Application Form for Reference(s) (ERDS Form #0009); provide three best references within the last five years for software products or development of equivalent technology, complexity and size of an Electronic Recording Delivery System. At least one reference shall be for a project using document-imaging technology; **or**
- (b) Operate as a Vendor with a valid California Multiple Award Schedule (CMAS), General Services Agreement (GSA), or Master Services Agreement (MSA). A copy of the agreement(s) shall be submitted as an attachment to the Application for Vendor of ERDS Software Certification (ERDS Form #0003). The CMAS, GSA, or MSA shall include one or more of the following consulting service categories: Application Development; IT Acquisition Support; IT Project Management; IT Project Planning; IT Strategic Planning; IT System Implementation; Migration Planning; Software Development; System Analysis; System Design; System Development; and/or System Integration.

(3) Proof of fingerprint submission as outlined in Section 3 of this handbook.

- (4) Submit the non-refundable certification fee in the form of a check or money order made payable to the “Department of Justice – ERDS Program”. (Refer to the Fee Schedule in the Appendices Section of this handbook.)

Note: Certification may not be granted until the fee is processed.

(B) Fingerprinting of Vendor Employee(s) and/or Vendor Contract Employee(s)

- (1) At the time a Vendor of ERDS Software enters into a contract with a County Recorder, the Vendor shall provide to the County Recorder proof of fingerprint submission and a state and federal criminal record clearance from the ERDS Program, for all vendor employee(s) and/or vendor contract employee(s) designated to work on an ERDS development and/or implementation.
- (2) All designated employees shall sign the Acknowledgment of Responsibilities (ERDS Form #0012). The County Recorder shall maintain a copy for review during audits and local inspections.
- (3) The addition or deletion of a designated employee(s), after entering into a contract with a County Recorder, is as follows:

(a) Delete a Designated Employee(s)

The Vendor of ERDS Software shall send, in writing, to the County Recorder a request to remove the designated employee(s) from an ERDS secure access role.

The County Recorder shall submit a Change of ERDS Role (ERDS Form #0008), indicating deletion of vendor employee(s) and/or vendor contract employee(s), to the ERDS Program.

(b) Addition of a Designated Employee(s)

The Vendor of ERDS Software shall send, in writing, to the County Recorder a request to add a designated employee(s) to an ERDS secure access role. The request shall include proof of fingerprint submission and a state and federal criminal record clearance from the ERDS Program.

Note: All individuals designated a secure access role require fingerprint submission and clearance from the ERDS Program prior to serving in the role.

The County Recorder shall submit a Change of ERDS Role (ERDS Form #0008), indicating addition of a designated vendor employee(s) and/or vendor contract employee(s) and attach proof of fingerprint submission, to the ERDS Program.

SECTION 3 FINGERPRINT PROCESS

All individuals in a secure access role, as defined in the CCR, Title 11, Division 1, Chapter 18, Article 4, Section 999.121, shall submit fingerprint images to the Department of Justice for a state and federal criminal record check. All individuals designated a secure access role require fingerprint submission and clearance from the ERDS Program prior to serving in the role. In addition, a Vendor of ERDS Software shall be certified and issued a Vendor of ERDS Software Certificate, by the ERDS Program, before entering into a contract(s) with a County Recorder(s) to perform the duties of a Vendor of ERDS Software.

An individual seeking certification as a Vendor of ERDS Software may contact the ERDS Program for:

- The Request for Live Scan Service form (BCII 8016ERDS) (Electronic Submission)
- The FD 258 fingerprint card (Manual Submission)
- The Request for Exemption from Mandatory Electronic Fingerprint Submission form (BCII 9004)

The following information will assist in fingerprint submission.

(A) Methods of Fingerprint Submission

(1) Live Scan Service (Electronic Submission)

All fingerprint submissions shall be transmitted electronically, via a Live Scan device, by a law enforcement agency and/or a certified public applicant agency providing such service.

To locate a Live Scan service site and information about their services, access the Attorney General website at <http://ag.state.ca.gov> or the Applicant Fingerprint Submission web page at <http://ag.ca.gov/fingerprints/index>.

(a) At the time of fingerprinting, the individual shall provide the Live Scan operator with the following:

- (1) A completed Request for Live Scan Service form (BCII 8016ERDS);
- (2) The Live Scan fingerprint rolling fee. (Refer to Applicant Fingerprint Submission web page at <http://ag.ca.gov/fingerprints/index>); and
- (3) The state and federal fingerprint processing fees. (Refer to the Fee Schedule in the Appendices Section of this handbook.)

(b) Upon completion of fingerprinting, the individual shall:

- (1) Obtain the applicant copy and the contributing agency copy of the Request for Live Scan Service form (BCII 8016ERDS) from the Live Scan operator, to be used as proof of fingerprint submission;

- (2) Attach the contributing agency copy of the Request for the Live Scan Service form (BCII 8016ERDS), as proof of fingerprint submission, to the Application for Vendor of ERDS Software Certification (ERDS Form #0003); and
- (3) Retain the applicant copy of the Request for Live Scan Service form (BCII 8016ERDS), should proof of fingerprint submission be needed at a later date.

(2) FD 258 Fingerprint Card (Manual Submission)

If a Live Scan site is regionally unavailable, the DOJ has limited statutory authority to issue an exemption from electronic submission. If an exemption is sought, the individual shall use the FD 258 fingerprint card to have their fingerprints rolled by a law enforcement agency or certified public applicant agency and complete a Request for Exemption from Mandatory Electronic Fingerprint Submission form (BCII 9004). (Contact the ERDS Program to obtain the FD 258 and BCII 9004 forms.)

To locate a fingerprinting service site and information, access the Attorney General website at <http://ag.state.ca.gov> or the Applicant Fingerprint Submission web page at <http://ag.ca.gov/fingerprints/index>.

- (a) At the time of fingerprinting, the individual shall provide the fingerprint roller with the following:
 - (1) A completed FD 258 fingerprint card; and
 - (2) The fingerprint rolling fee. (Refer to Applicant Fingerprint Submission web page at <http://ag.ca.gov/fingerprints/index>.)
- (b) Upon completion of fingerprinting, the individual shall provide the following as an attachment to the Application for Vendor of ERDS Software Certification (ERDS Form #0003):
 - (1) A FD 258 fingerprint card rolled by a law enforcement agency or certified public applicant agency fingerprint roller. The fingerprint card shall include the fingerprint roller's signature and badge or certification number;
 - (2) A completed Request for Exemption from Mandatory Electronic Fingerprint Submission form (BCII 9004). The DOJ will evaluate the request and determine whether adequate justification exists to accept the manual submission; and
 - (3) The state and federal fingerprint processing fees in the form of a check or money order made payable to the "California Department of Justice – ERDS Program". (Refer to the Fee Schedule in the Appendices Section of this handbook.)

(3) Residing Outside of California

Individuals residing outside of California that can not be fingerprinted in California shall have their fingerprints rolled at a law enforcement agency in their state of residence.

(a) At the time of fingerprinting, the individual shall provide the fingerprint roller with the following:

- (1) A completed FD 258 fingerprint card; and
- (2) The fingerprint rolling fee. (Refer to your local law enforcement.)

(b) Upon completion of fingerprinting, the individual shall provide the following as an attachment to the Application for Vendor of ERDS Software Certification (ERDS Form #0003):

- (1) A FD 258 fingerprint card rolled by a law enforcement agency in their state of residence. The fingerprint card shall include the fingerprint roller's signature;
- (2) A completed Request for Exemption from Mandatory Electronic Fingerprint Submission form (BCII 9004). The DOJ will evaluate the request and determine whether adequate justification exists to accept the manual submission; and
- (3) The state and federal fingerprint processing fees, in the form of a check or money order made payable to the "California Department of Justice – ERDS Program". (Refer to the Fee Schedule in the Appendices Section of this handbook.)

(B) Fingerprint Status

Once the fingerprints are submitted, the DOJ processes and notifies the ERDS Program with one of three responses: "No Record" (no criminal record); "Criminal Record" (criminal record present); or "Rejected" (poor quality fingerprints, missing or illegible data).

(1) "No Record" Response or Criminal Record Response with No Disqualifying Offense(s)

If the individual has no record or a record with no disqualifying offense(s), the ERDS Program shall proceed with processing the application. (For a list of disqualifying offenses, refer to the Appendices Section of this handbook.)

(2) "Criminal Record" Response with Disqualifying Offense(s)

If the individual has a criminal record with a disqualifying offense(s), the individual shall be notified by the ERDS Program, in writing, that they are denied certification as a Vendor of ERDS Software. (For a list of disqualifying offenses refer to Appendices Section of this handbook.)

If the individual receives a denial, the individual can contact the DOJ to review and refute any erroneous or inaccurate information contained within their state criminal record and the Federal Bureau of Investigation for their federal criminal record. These reviews are outside of the ERDS Program.

An individual requesting to review their state record may contact:

California Department of Justice
California Justice Information Services Division
Bureau of Criminal Identification and Information
Record Information and Services Program
P.O. Box 903417
Sacramento, CA 94203-4170
(916) 227-3849

An individual requesting to review their federal record can obtain information at <http://www.fbi.gov/howto.htm>.

If it is determined through the record review process that an individual's record has been modified to reflect a record with no disqualifying offense(s), the individual may elect to reapply. To reapply, the individual shall submit fingerprint images for a state and federal criminal record check according to the submission methods outlined in this section, and shall complete the application process as outline in section 2 of this handbook. Once the fingerprints are submitted, the DOJ processes and notifies the ERDS Program with a state and federal criminal record result.

(3) Rejected Fingerprints

The fingerprints shall be rejected, if the fingerprint images are of poor quality, missing or illegible data, or the signature and the certification number of the fingerprint roller are missing from the FD 258 fingerprint card. The ERDS Program shall notify the individual, in writing, of the rejection and provide resubmission instructions. The ERDS Program shall proceed with processing the application, if applicable.

(C) Subsequent Arrest Notification

When an individual has been subsequently arrested, the DOJ shall notify the ERDS Program. The ERDS Program shall review the offense to determine if it disqualifies the individual from a secure access role.

If the individual has a criminal record with a disqualifying offense(s), the ERDS Program shall send a termination letter, within ten business days. (For a list of disqualifying offenses refer to the Appendices Section of this handbook.)

If the individual does not receive a letter within ten business days, then it was determined that the individual had no disqualifying offense(s) and shall continue their secure access role.

To refute a disqualifying offense based on a subsequent arrest, the record review process can be pursued. If it is determined through the record review process, outlined in this section, that an individual's record has been modified to reflect a record with no disqualifying offense(s), the Vendor of ERDS Software may notify the ERDS Program. If the Vendor of ERDS Software wants to continue as a certified Vendor of ERDS Software, the individual shall submit fingerprint images for a state and federal criminal record check according to the submission methods outlined in this section.

SECTION 4 APPLICATION REVIEW

The CCR, Title 11, Division 1, Chapter 18, Articles 1 through 9, established specifications, which are intended to assure that an ERDS is secure. The ERDS Program, through the application review process, shall review applications to determine if the requirements of the law are met. The ERDS Program shall provide, in writing, to the individual, within an estimated timeframe of 90 days, an application review decision of approved, incomplete or denied.

(A) Approved

(1) If an application is approved, the ERDS Program shall send the following to the individual:

(a) An approval letter; and

A Vendor of ERDS Software Certificate, which authorizes the individual to contract with a County Recorder(s) to perform the duties of a Vendor of ERDS Software. The Vendor of ERDS Software Certificate shall remain in effect for three years unless a termination is issued based on a subsequent arrest or the Vendor of ERDS Software withdraws their certification status. (Refer to Section 3 and 6 of this handbook.)

The certificate shall include a “disclaimer” stating that the software is not being approved as to its ability to serve/function in an ERDS operational environment nor that it will meet all the County Recorder’s requirements; only that the Vendor has stated that it will meet all of the audit and testing requirements as contained in the CCR, Title 11, Division 1, Chapter 18, Articles 5 and 9.

(B) Incomplete

(1) An application is incomplete when:

- The application has missing or illegible data;
- Supporting documentation, forms, applicable fees are not included with the application; and/or
- Proof of fingerprint submission was not submitted for individuals designated a secure access role.

(2) The ERDS Program shall return the incomplete application to the individual with a written explanation and instructions on resubmission. It is the responsibility of the individual to ensure that the application is corrected, completed and returned to the ERDS Program within 90 days.

The estimated ERDS Program’s application review of 90 days is suspended until the resubmission is received by the ERDS Program.

If no response is received by the due date, the application shall be denied. The denial shall not prohibit the submission of an application at a later date.

(C) Denied

An application may be denied for good cause. Good cause shall be deemed to exist when the individual does not satisfy the qualifications or system requirements, when it is necessary to protect the public interest, protect the integrity of records, or to protect homeowners from financial harm.

A denied letter, including the application, shall be sent to the individual with an explanation for the denial. The denial shall not prohibit the submission of an application at a later date.

SECTION 5 RENEWAL OF CERTIFICATION

The certification of a Vendor of ERDS Software, as issued by the ERDS Program, shall remain in effect for a period of three years from the date of issuance. The three-year period has been established to assure that the certified individual has maintained a qualified status and continues to meet all criteria and possesses sufficient experience required to perform the duties of a Vendor of ERDS Software.

In order to be considered a renewal, the Vendor of ERDS Software Certificate shall be renewed prior to the expiration date. If the certificate holder fails to comply with the renewal requirements, their Vendor of ERDS Software Certificate shall expire by operation of the law at midnight on the expiration date stated on the certificate, which shall render the certificate invalid and all vendor services shall cease.

If an application for renewal is received after the expiration date, the application shall not be considered a renewal and shall be returned to the individual with a cover letter outlining the process for initial application submission, which includes submission of fingerprint images. (Refer to Section 3 of this handbook.)

- (A) The certificate holder shall submit to the ERDS Program, a completed Application for Vendor of ERDS Software Certification (ERDS Form #0003), indicating renewal, which shall be dated and signed declaring under penalty of perjury that under the laws of the State of California all the foregoing information, and all information submitted with the application is true, correct, and complete, and that a false or dishonest answer to any question shall be grounds for denial or subsequent termination or suspension of certification.

In addition, the individual shall attest to the fact that the software, at the time of development, will meet all of the audit and testing requirements as contained in the CCR, Title 11, Division 1, Chapter 18, Article 5, and acknowledges that ERDS Program's issuance of the Vendor of ERDS Software Certificate shall include a "disclaimer" stating that the software is not being approved as to its ability to serve/function in an ERDS operational environment nor that it will meet all of the County Recorder's requirements, only that the Vendor has stated that it will meet all of the audit and testing requirements as contained in the CCR, Title 11, Division 1, Chapter 18, Articles 5 and 9.

- (B) Submit documentation with the Application for Vendor of ERDS Software Certification (ERDS Form #0003), as follows, to demonstrate the individual has met the reference or service agreement required for certification as a Vendor of ERDS Software:
 - (1) Complete the Attachment to ERDS Form #0003 Vendor Application Form for Reference(s) (ERDS Form #0009); provide three best references within the last five years for software products or development of equivalent technology, complexity and size of an Electronic Recording Delivery System. At least one reference shall be for a project using document-imaging technology; **or**

(2) Operate as a Vendor with a valid California Multiple Award Schedule (CMAS), General Services Agreement (GSA), or Master Services Agreement (MSA). A copy of the agreement(s) is to be submitted as an attachment to the Application for Vendor of ERDS Software Certification (ERDS Form #0003). The CMAS, GSA, or MSA shall include one or more of the following consulting service categories: Application Development; IT Acquisition Support; IT Project Management; IT Project Planning; IT Strategic Planning; IT System Implementation; Migration Planning; Software Development; System Analysis; System Design; System Development; and/or System Integration.

(C) Proof of fingerprint submission is not required for a renewal.

(D) Submit the non-refundable renewal certification fee in the form of a check or money order made payable to the “Department of Justice – ERDS Program”. (Refer to the Fee Schedule in the Appendices Section of this handbook.)

Note: The renewal certification may not be granted until the fee is processed.

(F) The ERDS Program shall process the application in accordance with the Application Review process as outlined in Section 4 of this handbook.

SECTION 6 WITHDRAWAL OF CERTIFICATION

A certificate holder choosing to withdraw their certification shall notify the ERDS Program. All ERDS vendor services, by the certificate holder, shall cease as of the Cease of Operation/Service date noted on the Application for Withdrawal (ERDS Form #0010). Submission to the ERDS Program and the withdrawal process are as follows:

- (A) The Vendor of ERDS Software shall submit to the ERDS Program an Application for Withdrawal (ERDS Form #0010), with a Cease of Operation/Service date, signed and dated declaring under penalty of perjury under the laws of the State of California that all information is true and correct.

The withdrawing Vendor of ERDS Software shall cease all vendor services as of the Cease of Operation/Service date noted on the withdrawal application. The withdrawal request shall render the Vendor of ERDS Software Certificate invalid.

If at a later date, the withdrawing Vendor of ERDS Software wishes to have his or her Vendor of ERDS Software Certificate reinstated, the individual shall complete the process for initial application submission, which includes submission of fingerprint images.

- (B) Upon receipt of the withdrawal request, the ERDS Program shall send an acknowledgement letter to the requestor.

SECTION 7 REQUEST FOR REPLACEMENT OF CERTIFICATE AND/OR DOCUMENT(S)

To ensure that an individual's right to privacy is enforced and that confidential information provided on documents submitted to the ERDS program, is protected from threat of potential risk in the indiscriminate collection, maintenance, and dissemination of information, the Request for Replacement of Certificate and/or Documents process was established. The process is as follows:

- (A) To request copies of documents, complete and submit a Request for Replacement of Certificate and/or Documents (ERDS Form #0006), signed and dated declaring under penalty of perjury under the laws of the State of California that the requested copies pertain to his or her application submission. The appropriate fee shall accompany the request in the form of a check or money order made payable to "Department of Justice – ERDS Program". (Refer to the Fee Schedule in the Appendices Section of this handbook.)
- (B) The fee shall be processed prior to completing the request.

SECTION 8 APPENDICES

- A Fee Schedule
- B ERDS Disqualifying Offense Table
- C Acronyms and Definitions

Appendix B ERDS DISQUALIFYING OFFENSE TABLE

Pursuant to the California Code of Regulations, Title 11, Division 1, Chapter 18, Article 4, section 999.121:

“If the state or federal criminal records contain a conviction of a felony, or a misdemeanor related to theft, fraud, or a crime of moral turpitude, or a pending criminal charge for any of these crimes shall be justification for denial to an individual to serve in an ERDS role that requires fingerprinting. A plea of guilty or no contest, a verdict resulting in conviction, or the forfeiture of bail, shall be a conviction pursuant to Government Code section, 27395(a), irrespective of a subsequent order under section 1203.4 of the Penal Code. All other state or federal criminal records containing a felony or misdemeanor conviction involving dishonesty, fraud or deceit, “moral turpitude” [People v. Castro (1985) 38 Cal. 3d 301], including pending charges, shall be justification for denial to an individual to serve in an ERDS role that requires fingerprinting.”

A felony conviction or pending charges, involving the following offenses shall be justification for denial:

Felony:

• Homicide	• Forgery
• Robbery	• Arson
• Assault	• Drugs (Sale of)
• Kidnapping	• Sex
• Burglary	• Driving under the Influence
• Theft	• Hit and Run
• Motor Vehicle Theft	• Weapons
• Escape	• Bookmaking
• Identity Theft	• Unauthorized Access to Computers

A misdemeanor conviction or pending charges, involving the following offenses shall be justification for denial:

Misdemeanor:

• Misdemeanor manslaughter	• Liquor Laws
• Assault and Battery	• Disturbing the Peace
• Theft	• Malicious Mischief
• Drugs (Sale of)	• Driving under the Influence
• Sex	• Gambling
• Checks and Access Cards	• Trespassing
• Vandalism	• Contributing to the delinquency of a minor
• Identity Theft	• Unauthorized Access to Computers

Appendix C

ACRONYMS AND DEFINITIONS

Acronym, Term or Phrase	Definitions
Agent	A representative and his/her employees who are authorized to submit documents on behalf of an Authorized Submitter who has entered into a contract with a County Recorder, and, assigned a role by the County Recorder, to deliver, and, when applicable, return the submitted ERDS payloads via an ERDS. An Agent may not be a Computer Security Auditor, County Recorder Designee, ERDS Account Administrator, ERDS System Administrator, or Vendor of ERDS Software. (Refer to the definition of "Vendor (or Developer)" later in this section.)
Approved Escrow Company	An escrow company approved pursuant to California Code of Regulations, Title 2, Division 7, Chapter 6, Article 3, D, List of Approved Companies and Facilities, Section 20639.
Attorney General	The Attorney General of the State of California.
Authorized Access	A role assigned by the County Recorder to an Authorized Submitter and Agent, if any, who is authorized to use ERDS for only Type 2 instruments. This role does not require fingerprinting.
Authorized Submitter	A party and his/her employees that has entered into a contract with a County Recorder, and, assigned a role by the County Recorder, to deliver, and, when applicable, return the submitted ERDS payloads via an ERDS. An Authorized Submitter may not be a Computer Security Auditor, County Recorder Designee, ERDS Account Administrator, ERDS System Administrator, or Vendor of ERDS Software.
CCISDA	California County Information Services Directors Association
CCR	California Code of Regulations
Certificate Authority	A certificate authority that issues digital certificates for the purpose of establishing secure Internet sessions between an Authorized Submitter and an ERDS. Certificate authorities also validate digital certificates presented as proof of identity.
CFE	Certified Fraud Examiner
CIA	Certified Internal Auditor
CISA	Certified Information Systems Auditor
CISSP	Certified Information Systems Security Professional
Computer Security Auditor	(1) DOJ approved computer security personnel hired by the County Recorder to perform independent audits. (2) A role assigned by the County Recorder to the Computer Security Auditor who is authorized to review transaction logs and conduct tests on computer security mechanisms. A Computer Security Auditor may not be an Authorized Submitter, Agent, County Recorder Designee, ERDS Account Administrator, ERDS System Administrator, or Vendor of ERDS Software. This role requires fingerprinting. A Computer Security Auditor shall be issued a certificate of approval by the ERDS Program.

Acronym, Term or Phrase	Definitions
County Recorder	A public official responsible for administering an ERDS, ensuring that all ERDS requirements are met and who oversees the assignment and delegation of the responsibilities by determining the necessary resources and means.
County Recorder Designee	A Secure Access role assigned by the County Recorder to retrieve, and, when applicable, return submitted ERDS payloads. A County Recorder Designee may not be a Computer Security Auditor, Authorized Submitter, Agent, or Vendor of ERDS Software. This role requires fingerprinting.
Developer	Refer to Vendor of ERDS Software.
Digital Electronic Record	A record containing information that is created, generated, sent, communicated, received, or stored by electronic means, but not created in original paper form.
Digital Signature	A set of electronic symbols attached to, included in, or logically associated with one or more Type 1 and/or Type 2 instruments, inclusive of information related to and intended for association with the Type 1 and/or Type 2 instruments, that is the result of a process, or processes, designed and employed for the purpose of verifying the integrity, accuracy, or authenticity of the Type 1 and/or Type 2 instruments with related information. For the purpose of an ERDS, a digital signature is generated by encrypting the hash value of an ERDS payload.
Digitized Electronic Record	A scanned image of the original paper document.
DOJ	The California Department of Justice
Electronic Signature of the Notary	A field, or set of fields, containing information about the electronic signature of the notary who notarized a Type 1 or Type 2 Instrument.
ERDA	Electronic Recording Delivery Act of 2004.
ERDS	Electronic Recording Delivery System – An ERDS Program certified system to deliver digitized Type 1 and/or Type 2 Instruments to a County Recorder, and, when applicable, return to the Authorized Submitter.
ERDS Account Administrator	A secure access role assigned by the County Recorder to an individual who is authorized to configure accounts, assign roles, and issue credentials. An ERDS Account Administrator may not be a Computer Security Auditor, Authorized Submitter, Agent, or Vendor of ERDS Software. This role requires fingerprinting.
ERDS Payload	An electronic structure designed for the purpose of delivering Type 1 or Type 2 instruments to a County Recorder via an ERDS. The structure is also used to return, and, when applicable, Type 1 or Type 2 instruments to an Authorized Submitter via an ERDS.
ERDS Program	The program within DOJ designated by the Attorney General to certify, implement, regulate, and monitor an ERDS.

Acronym, Term or Phrase	Definitions
ERDS Server	Computer hardware, software, and storage media used by the County Recorder to implement an ERDS. The ERDS server executes the primary functionality of the application software associated with an ERDS. The ERDS Server includes software for encrypting, decrypting, hashing, submitting, and, when applicable, returning the ERDS payloads. It also includes storage media for the ERDS payloads in the process of being delivered to the County Recorder or, when applicable, being returned to the Authorized Submitter. Separate physical servers dedicated to performing ERDS server functions are not required provided that the ERDS server functions can be isolated from other server functions, as evidenced by audit.
ERDS System Administrator	A secure access role assigned by the County Recorder to an individual who is authorized to configure hardware, software, network settings, and to maintain ERDS security functions. An ERDS System Administrator may not be a Computer Security Auditor, Authorized Submitter, Agent, or Vendor of ERDS Software. This role requires fingerprinting.
FIPS	Federal Information Processing Standard
GIAC	Global Information Assurance Certification
GSNA	GIAC Systems and Network Auditor
HMAC	Hash Message Authentication Code
Incident	An event that may have compromised the safety or security of an ERDS.
Instrument	A “Type 1” instrument is defined to mean an instrument affecting a right, title, or interest in real property. Type 1 instruments shall be delivered as digitized electronic records. Individuals given role-based privileges for a Type 1 instrument shall be fingerprinted. A “Type 2” instrument is defined to mean an instrument of reconveyance, substitution of trustee, or assignment of deed of trust. Type 2 instruments may be delivered as digitized electronic records or digital electronic records. Individuals given role-based privileges for a Type 2 only instrument shall not be fingerprinted.
Lead County	The County Recorder in a Multi-County ERDS responsible for administering an ERDS, ensuring that all ERDS requirements are met and who oversees the assignment and delegation of the responsibilities by determining the necessary resources and means.
Live Scan	A DOJ system used for the electronic submission of applicant fingerprints. This system is outside of the ERDS Program.
Logged	An auditable ERDS event.
Logical	The way data or systems are organized. For example, a logical description of a file is that it is a collection of data stored together
MAC	Message Authentication Codes
Multi-County	An ERDS application where County Recorders collaborate and make use of a single ERDS serving multiple counties.
NIST	National Institute of Standards and Technology
Non-Substantive Modification	A change that does not affect the functionality of an ERDS.
ORI	Originating Agency Identifier

Acronym, Term or Phrase	Definitions
Physical Access	Access granted to an individual who has physical access to an ERDS server. This level of access requires fingerprinting with the exception of a county data center or an outsourced county data center in which physical access is already managed by security controls
Public Entity	Includes the State, the Regents of the University of California, a county, city, district, public authority, public agency, any other political subdivision or public corporation in the State, and federal government entities.
PKI	A Public Key Infrastructure is a framework for creating a secure method for exchanging information based on public key cryptography. The foundation of a PKI is the certificate authority, which issues digital certificates that authenticate the identity of organizations and individuals over a public system such as the Internet. The certificates are also used to sign messages, which ensure that messages have not been tampered with.
Reportable	An incident that has resulted in the compromise of the safety or the security of an ERDS and shall be reported to the ERDS Program.
RSA	A public-key encryption technology developed by Rivest, Shamir and Adelman (RSA). The RSA algorithm has become the de facto standard for industrial-strength encryption especially for data sent over the Internet.
Role	A security mechanism, method, process or procedure that defines specific privileges dictating the level of access to an ERDS.
SANS Institute	Systems and Network Security Institute
Secure Access	A role assigned by the County Recorder to an individual which requires fingerprinting to: 1) an Authorized Submitter and Agent, if any, who are authorized to use an ERDS for both Type 1 and 2 instruments (excludes Type 2 instruments only) or Type 1 instruments only; 2) a Computer Security Auditor hired by the County Recorder to perform independent audits; 3) an ERDS System Administrator who is authorized to configure hardware, software, and network settings; 4) an ERDS Account Administrator who is authorized to configure accounts, assign roles, and issue credentials; 5) an individual who is granted physical access to an ERDS server; 6) a County Recorder Designee authorized to retrieve, and, when applicable, return submitted ERDS payloads.
Security Testing	An independent security audit by a Computer Security Auditor, including, but, not limited to, attempts to penetrate an ERDS for the purpose of testing the security of that system.
SHA	Secure Hash Algorithm
Source Code	A program or set of programs, readable and maintainable by humans, translated or interpreted into a form that an ERDS can execute.
Source Code Materials	Source Code Materials must include, but, are not limited to: 1) a copy of all source code that implements ERDS functionality; 2) a copy of the compiler needed to compile the ERDS source code in escrow; 3) Instructions for installation and use of the ERDS source code compiler; and 4) Instructions that facilitate reviews, modification and/or recompiling the source code.
Sub-County	The collaborating County Recorder(s) in a Multi-County ERDS operation.
Substantive Modification	A change that affects the functionality of an ERDS.

Acronym, Term or Phrase	Definitions
TLS	Transport Layer Security (formerly known as Secure Socket Layer)
Uniform Index Information	Information collected by a County Recorder in the recording process. Every Type 1 and Type 2 Instruments delivered through an ERDS shall be capable of including uniform index information. The County Recorder shall decide on the content of uniform index information.
User	A person who uses a computer to access, submit, retrieve, or, when applicable, return an ERDS payload.
Vendor of ERDS Software (or Developer)	A person and personnel, supporting and/or acting on behalf of the certified Vendor of ERDS Software who sells, leases, or grants use of, with or without compensation therefore, a software program for use by counties for establishing an ERDS. A Vendor of ERDS Software may not be a Computer Security Auditor, Authorized Submitter, Agent, ERDS Account Administrator, ERDS System Administrator, County Recorder Designee, or internal county resources used as a Developer of an ERDS in lieu of a Vendor. This role requires fingerprinting.
Workstation	A computer used to connect to, and interact with, an ERDS.