


<p>California Department of Justice CALIFORNIA JUSTICE INFORMATION SERVICES DIVISION Gary Cooper, Director</p>		<h1>INFORMATION BULLETIN</h1>	
<p><i>Subject:</i> Electronic Recording Delivery System Program</p>	<p><i>No.</i> 07-14-ERDS</p> <hr/> <p><i>Date:</i> 08-27-07</p>	<p><i>Contact for information:</i> Electronic Recording Delivery System Program (916) 227-8907</p>	

To: COUNTY RECORDERS AND INDIVIDUALS INTERESTED IN PARTICIPATING IN THE ELECTRONIC RECORDING DELIVERY SYSTEM PROGRAM

The purpose of this Information Bulletin is to announce the development of the Department of Justice's (DOJ) Electronic Recording Delivery System (ERDS) Program. Pursuant to the requirements of the Electronic Recording Delivery Act (ERDA) of 2004 and as authorized by the enactment of Assembly Bill 578, which added Chapter 6, section 27390 through 27399 of the Government Code, the DOJ ERDS Program has established 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.

The ERDA authorizes a County Recorder, upon approval by resolution of the Board of Supervisors and System Certification by the DOJ ERDS Program, to establish an ERDS for the delivery, and, when applicable, return of specified digitized and digital electronic records that are an instrument of real estate transactions, subject to specific conditions, including system certification, regulation, and oversight by the ERDS Program.

County Recorders

Participating counties are required to pay for the direct cost of regulation and oversight by the DOJ and, in addition, are authorized to impose fees to cover those costs. A County Recorder may contract with a Vendor of ERDS software, use in-house resources, or enter into an agreement with another public entity in establishing an ERDS. An ERDS shall be subject to audits conducted by an approved DOJ Computer Security Auditor and through local inspections conducted by an ERDS Program Representative to ensure compliance with the established regulations. In addition, the County Recorder shall establish, maintain and follow ERDS operating procedures that explain the proper operation, management, administration, content restrictions and use of their ERDS which shall be reviewed during audits and local inspections.

Vendors of Software

All individuals serving as or who are interested in becoming a Vendor of ERDS Software require a current certification by the ERDS Program prior to entering into a contract with a County Recorder for the development of an ERDS. A Vendor of ERDS Software certification is based on an individual's significant experience and having no disqualifying offense(s) determined by a state and federal criminal record background check obtained through fingerprinting. Certification is issued for a three-year period from the date of issuance unless a letter of suspension is issued or the individual withdraws from the program. Renewal is required prior to the expiration date of the certification.

Computer Security Auditors

All individuals serving as or who are interested in becoming an approved DOJ Computer Security Auditor require a current approval by the ERDS Program prior to entering into a contract with a County Recorder in order to provide auditing services of an ERDS. A DOJ Computer Security Auditor approval is based on an individual's significant experience and having no disqualifying offense(s) determined by a state and federal criminal record background check obtained through fingerprinting. Approval is issued for a three-year period from the date of issuance unless a letter of suspension is issued or the individual withdraws from the program. Renewal is required prior to the expiration date of the approval.

Application Information

The ERDS web page has been established to provide County Recorders and interested individuals with ERDS Program information. The web page contains ERDS Laws and Regulations, Forms, Frequently Asked Questions, ERDS Program Contact information, and ERDS Handbooks. The ERDS Handbooks describe the procedures to obtain System Certification, Vendor of ERDS Software Certification, and DOJ Computer Security Auditor Approval. All documents needed for application submission can be downloaded from the ERDS web page at <http://ag.ca.gov/erds1> or obtained by contacting the ERDS Program at:

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

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Questions regarding this Information Bulletin should be directed to the ERDS Program at the above telephone number.

Sincerely,

TERRI NEWBY, Chief, Operations Support Bureau
California Justice Information Services Division

For EDMUND G. BROWN JR.
Attorney General