

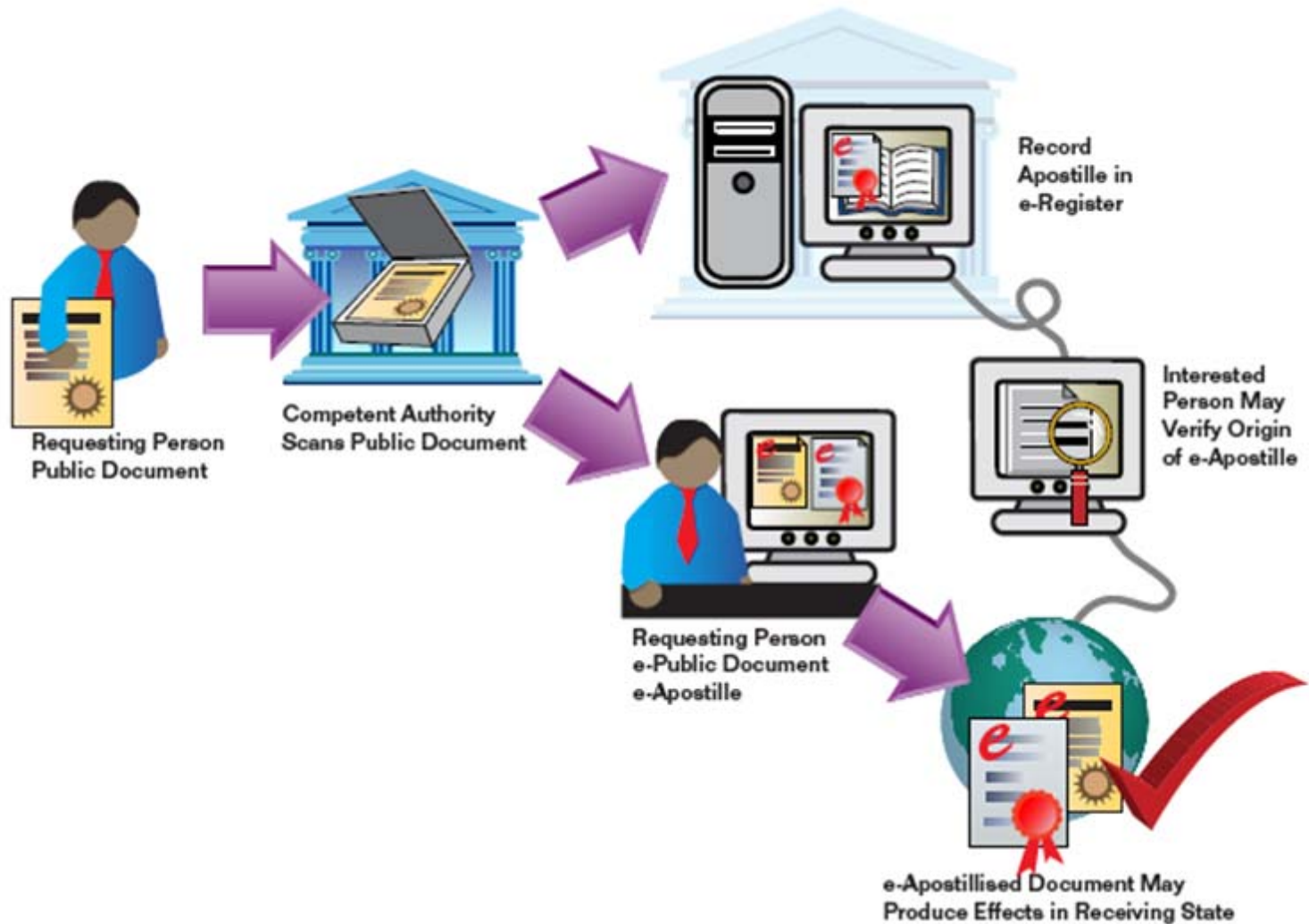
# e-Apostilles Under the e-APP An Update from the United States

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# The Process Again

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# The First e-Apostille

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## ▶ First Adoptions

### ▶ Kansas

**RON THORNBURGH**  
Secretary of State



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Topeka, KS 66612-1594  
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## STATE OF KANSAS

### Official Proclamation by the Kansas Secretary of State

The State of Kansas is pleased to announce the issue of the first e-Apostille under the suggested model of the Hague Conference on Private International Law and National Notary Association's electronic Apostille Pilot Program (e-APP).



# PDF, Word, Other Document Types

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- ▶ PDF chosen as foundation – strong adoption, readily understood, suitable XML container and binary object container
- ▶ Word has been adopted by Delaware as next step
- ▶ Goal – all document types, binary objects, etc.
- ▶ Shared Goal – XML specification for Apostille?



# Complementing This Movement

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- ▶ E-SIGN/UETA exemption for public agencies
- ▶ Great progress on federated identity management standards in the United States
  - ▶ Important foundation to larger adoption of electronic documents among public agencies
  - ▶ National Strategy for Trusted Identities in Cyberspace (NSTIC)
  - ▶ **<http://www.nstic.ideascale.com/>**



# Complementing This Movement

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- ▶ First federal court order issued electronically
- ▶ State court systems rapidly moving to entirely electronic format (California's system is live)
- ▶ Many other governmental organizations rapidly becoming electronic (Vital Records, Property Records, etc.)



# Delaware

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- ▶ eApostilles – Live by end of 2010
- ▶ Available to all corporate entities and lawyers (and legal assistants/paralegals) in all 50 states, territories, possessions
- ▶ Court of Chancery moving to eFiling
- ▶ Fully aligned with federal identity assurance standards
- ▶ Gemalto SmartCard – Delaware trusted root
- ▶ Non-repudiation provided



# Delaware Law Revision

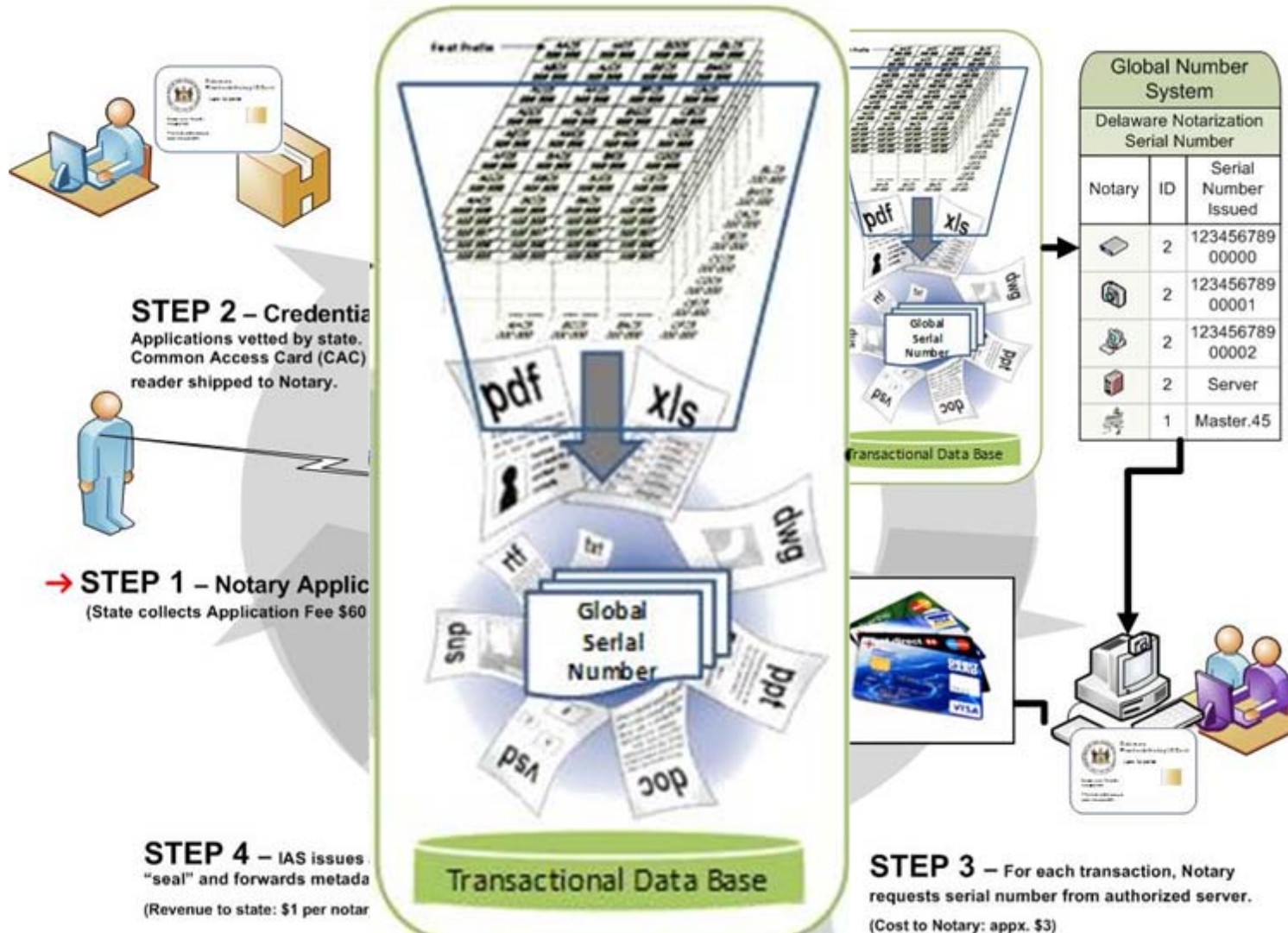
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- ▶ Title 29 §4309 (a) [<http://notary.delaware.gov/>]
- ▶ (c) The Governor may also appoint, as notaries public for electronic notarial acts, **nonresidents of this State** who otherwise meet the requirements of paragraphs (b)(1) and (b)(2)
- ▶ (2) Such individual is an **attorney-at-law** in good standing licensed in any **state, commonwealth, territory, district or possession of the United States** or such individual is a legal assistant or paralegal working under the direct supervision of an attorney-at-law in good standing licensed in any state, commonwealth, territory, district or possession of the United States and such attorney-at-law is a Delaware electronic notary and has previously submitted to the Secretary and had approved by the Secretary an application containing such information as the Secretary shall deem necessary and proper and demonstrating such attorney-at-law has a reasonable need for permitting 1 or more legal assistants or paralegals under that attorney-at-law's direct supervision to become an electronic notary under Delaware law;  
or

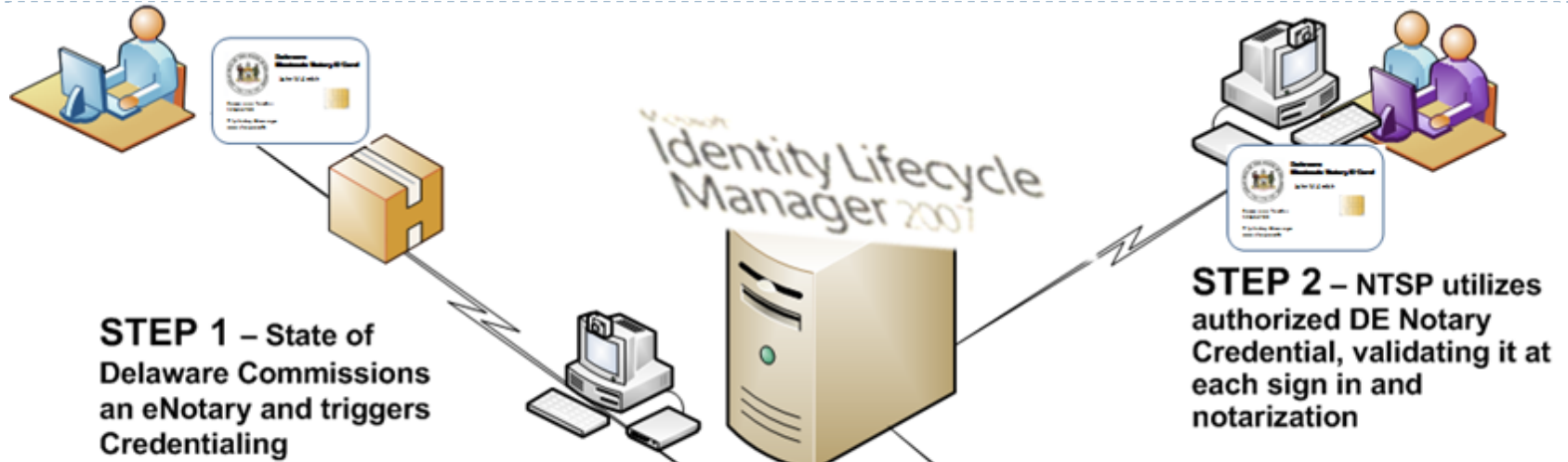




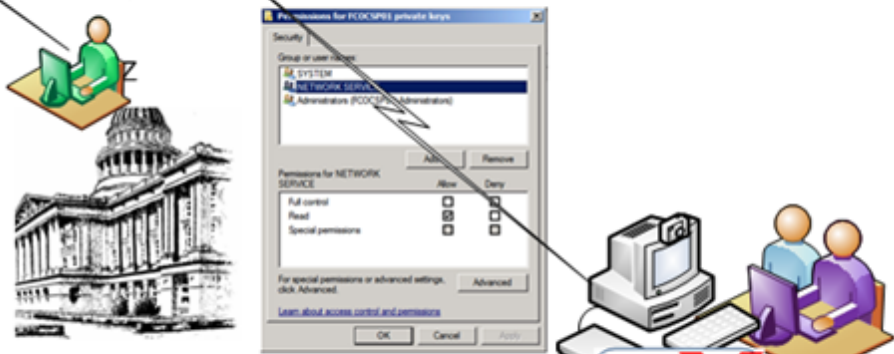
# Delaware's Platform



# Identity Management



| Management Policy | Definition   | Available for Smart Card Certificates |
|-------------------|--|---------------------------------------|
| Disable           | Allows a certificate on a smart card to be terminated before expiration  | ✓                                     |
| Duplicate         | Creates an exact duplicate of an issued profile or smart card; the existing card is marked as the primary card, but the duplicate is fully functional  | ✓                                     |
| Enroll            | Defines workflow for new profile or smart card requests  | ✓                                     |
| Online Updates    | Automates the update of profiles or smart cards for certificate content change, certificate template inclusion, and certificate expiration             | ✓                                     |
| Recover           | Allows recovery of a profile in case of loss or theft  | ✓                                     |
| Recover on Behalf | Allows a user to recover a profile or smart card issued to another user  | ✓                                     |
| Reinstate         | Reinstates a profile or smart card that was temporarily revoked  | ✓                                     |
| Renew             | Renews all certificates in a profile when the expiration period is reached, certificates are renewed with new key pairs, and key history is maintained | ✓                                     |
| Replace           | Allows recovery of a profile if a smart card is lost or stolen   | ✓                                     |
| Retire            | Revokes all certificates on a smart card and can remove all data from the smart card, allowing its reuse   | ✓                                     |
| Revoke            | Allows a certificate to be terminated before expiration  | ✓                                     |
| Temporary Cards   | Allows temporary smart cards to be issued when a user doesn't bring the smart card to the office   | ✓                                     |
| Unblock           | Defines the workflows for unblocking smart cards due to incorrect PIN entry or for cards shipped with a CLM-set PIN                                    | ✓                                     |





# XML Dataset

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Document Properties - Server Location: C:\Users\Richard\Documents\JAC\Specific Power of AttorneyforMe

|                             |                          |  |   |                           |                            |  |
|-----------------------------|--------------------------|--|---|---------------------------|----------------------------|--|
| Title:<br>Power of Attorney | Submitted By:<br>Lawyer  | Requested By:<br>Lawyer  | Submitted Date:<br>3/14/2010                        | Upload Date:<br>3/14/2010 | Document State:<br>DE      | <input checked="" type="checkbox"/> Must be Recorded |
| Document Category:<br>1     | Signers:<br>John Doe     | Notary Certificate Type:<br>Attest Copy                        | Original Document Hash:<br>F17C4E84CCF936AD15054E75 | Client Name:<br>Bob Smith | Client City:<br>Wilmington | Client County:<br>New Castle                         |
| Client State:<br>DE         | Item Description:<br>PoA | <input checked="" type="checkbox"/> Create Viewable/Printab... |   |                           |                            |  |



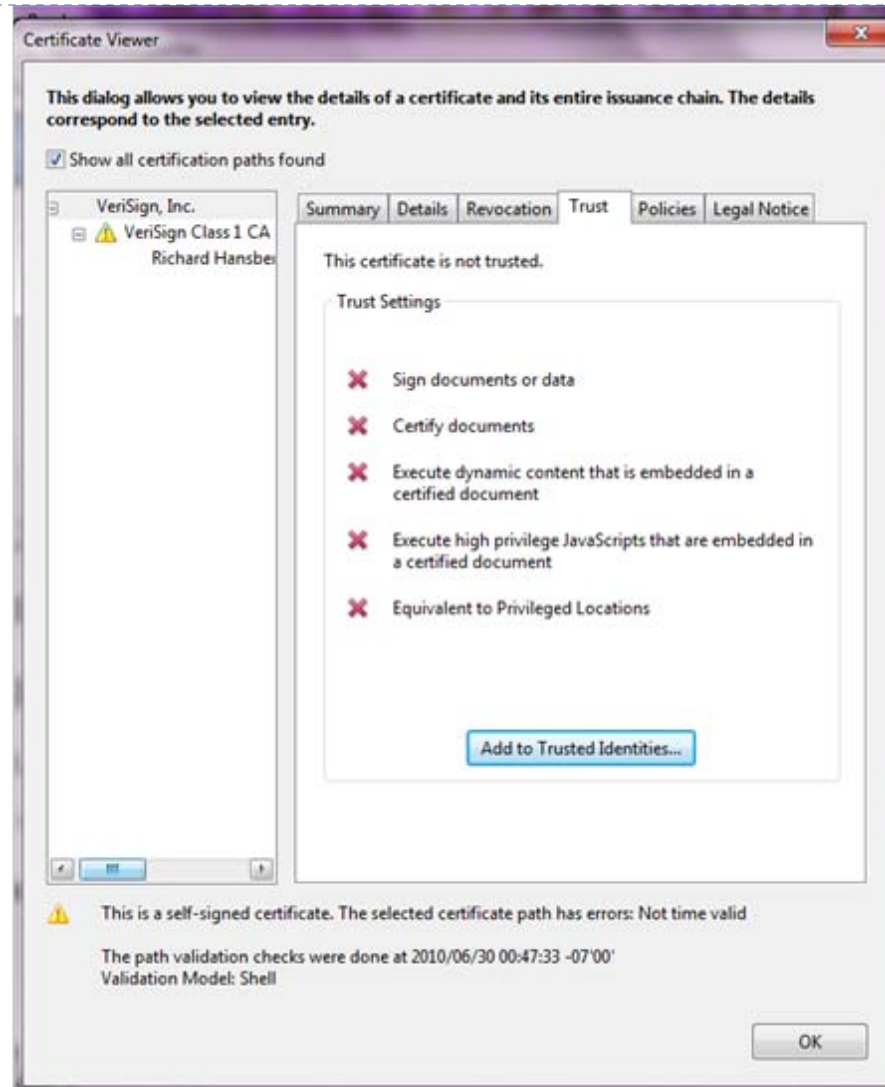
# Predictions, Challenges

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- ▶ **Electronic documents will largely become XML structures in the cloud**
  - ▶ Movement in US to eliminate silo databases
  - ▶ Google – property records
  - ▶ Google – Los Angeles City
- ▶ **Identity management will be the key to trust**
- ▶ **Non-repudiation will be the key to “originality”**

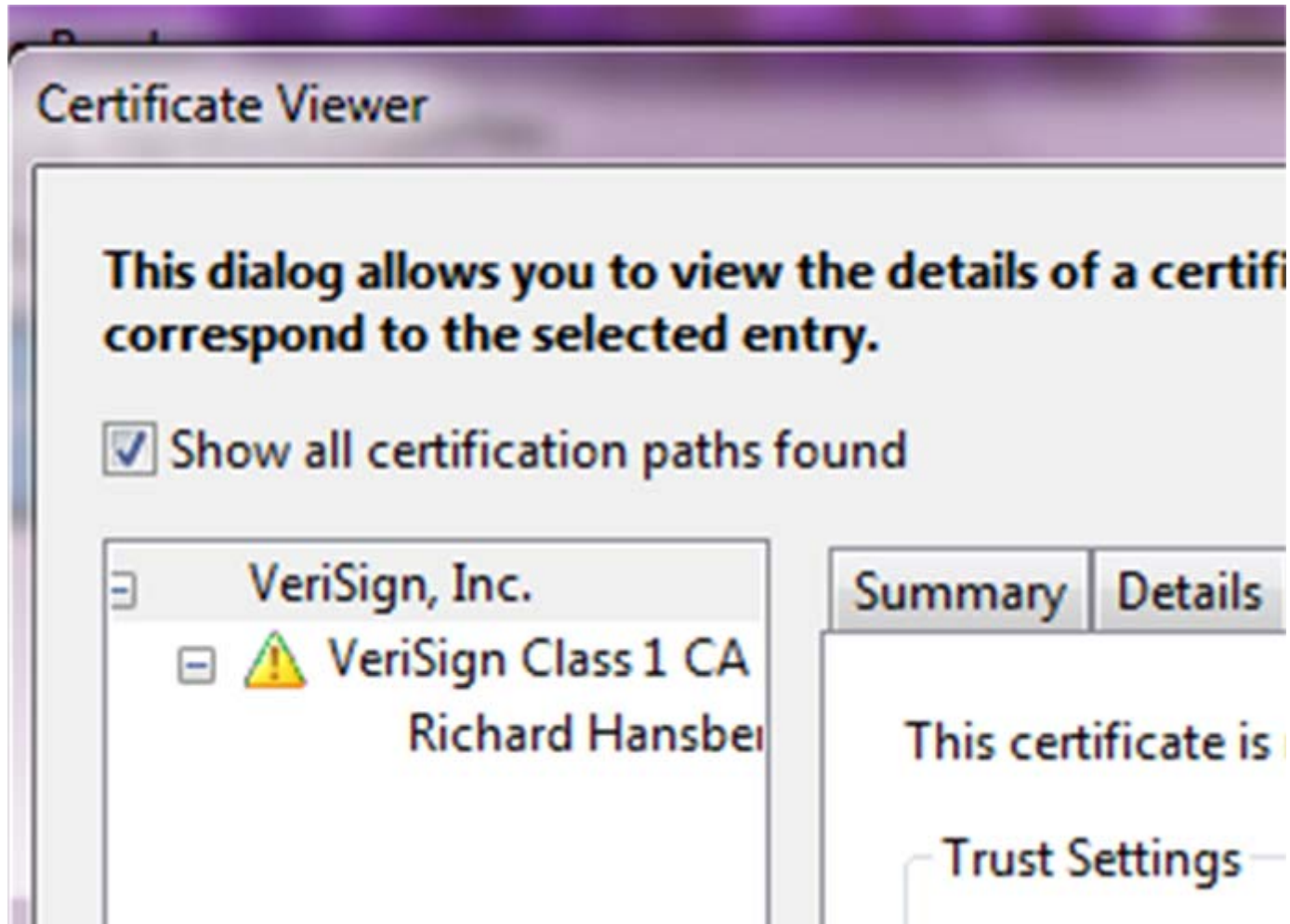


# Certificate Trust in Adobe PDF - Default

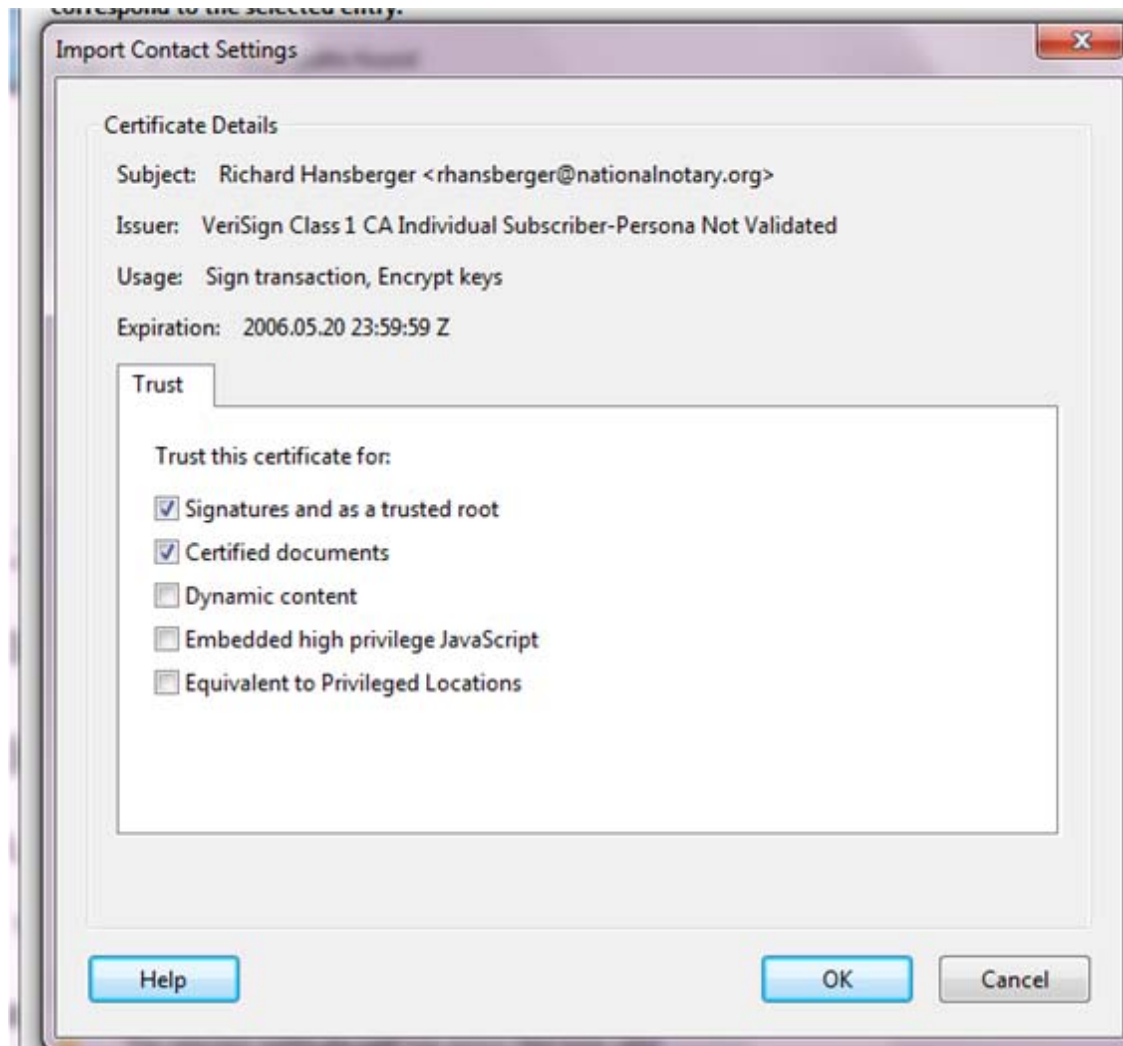


# Adobe PDF - Default

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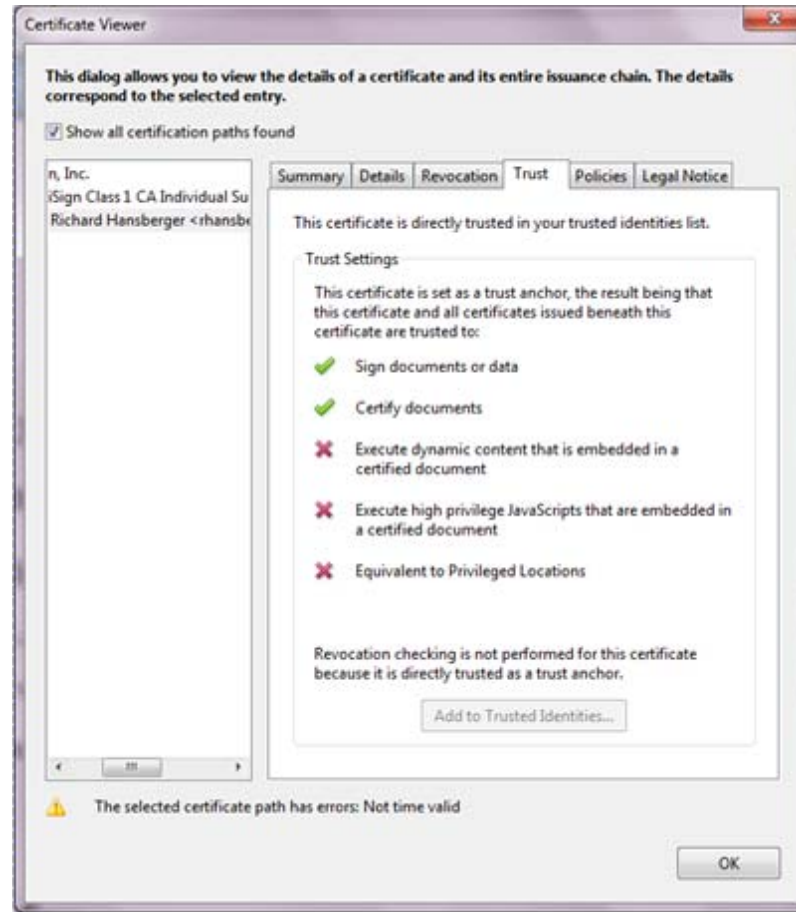


# Adobe PDF - Adding Trusted Identity





# Adobe PDF - Identity Trusted



# Thank you!

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