

Text of Regulations

California Code of Regulations

Title 11. Law

Division 1. Attorney General

Chapter 18. Electronic Recording Delivery System

Article 9. Audits and Oversight

§ 999.217. Security Audits.

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(d) The ERDS Initial System Audit is a full system audit and is required to obtain initial system certification. "Initial" is defined as the "first time" application for a certification of an ERDS for either a Single-County or a Multi-County ERDS. This audit shall be performed prior to activating an ERDS for production and operation and shall be completed by a Computer Security Auditor. A copy of the successful initial system audit report shall be submitted to the ERDS Program as an attachment to the Application for System Certification form # ERDS 0001A ~~(February 2007)~~ [\(May 2011\)](#). A successful initial system audit shall be sufficient to meet the 1st year audit requirement and shall include, but is not limited to, all of the following:

...

(e) A Biennial Audit and a local inspection are required in alternating years to meet the ongoing oversight of an existing certified Single-County ERDS or a Multi-County ERDS. The biennial audit is a full system audit and shall be performed in the production and operational environment and shall be completed by a Computer Security Auditor and submitted to the County Recorder. A local inspection shall be performed **by an ERDS program representative** in the alternating years [of all Single-County ERDS and the Lead County of a Multi-County ERDS. Sub-Counties will be initially inspected and will then be subject to random scheduled inspections thereafter](#) and shall be completed by **an** ERDS Program [representative staff](#).~~The County Recorder shall submit a copy of the successful biennial audit report to the ERDS Program. A biennial security audit report shall include, but is not limited to, all of the following:~~

...

(f) A Modified System Audit is required to obtain approval for making a substantive modification to an existing certified Single-County ERDS or a Multi-County ERDS. A modified system audit shall pertain to only the components that are proposed to be modified and/or changed in the production environment and shall be performed prior to activating the modification and/or change in the ERDS operational environment. This modified system audit shall be completed by a Computer Security Auditor and submitted to the County Recorder. Upon receipt of the successful modified system audit by the County Recorder, the County Recorder may place the proposed substantive modification in the production environment on a provisional basis. Within 15 business days of the provisional implementation, a copy of the successful modified system audit report shall be submitted to the ERDS Program as an attachment to an Application for a Request for Approval of Substantive Modification(s) form # ERDS 0013 ~~(February 2007)~~ [\(May 2011\)](#). A successful

modified system audit may not replace the biennial audit requirement. A modified system audit report shall include, but is not limited to, all of the following:

...

Note: Authority cited: Section 27393, Government Code. Reference: Sections 27390(b)(2), 27392(a), 27393(b)(2), 27393(b)(3), 27393(b)(6) and 27394(c)-(f), Government Code.

§ 999.219. Local Inspection.

- (a) Counties operating and/or associated with a certified ERDS shall be subject to an ERDS local inspection by an ERDS Program representative in alternating years of the biennial audit. All Single-County ERDS and the Lead County of a Multi-County ERDS shall be inspected on an biennial basis. Sub-Counties will be initially inspected and will then be subject to random scheduled inspections thereafter by an ERDS Program representative. The purpose of this inspection is to ensure that the requirements, as set forth in the regulations, are being adhered to for the ongoing oversight of the ERDS.
- (b) An ERDS Program representative shall contact the Lead County Recorder and/or Sub-County Recorder or his or her representative to schedule an on-site inspection of the ERDS and all associated hardware, software, workstations, and network devices comprising the ERDS, including those located at the offices of Authorized Submitters and/or their Agents, processes on a mutually agreed upon date.
- (c) The ERDS Program representative shall verify all of the following during the local inspection:
 - ...
 - (5) For a Single-County ERDS, that a copy of the following is on file: the County's System Certificate of Operation; the County's Resolution; the County's Policy and Procedures; a signed Statement of Understanding form # ERDS 0011 ~~(February 2007)~~ (May 2011); a list of all secure access and authorized access users; a signed Acknowledgement of Responsibilities Form # ERDS 0012 ~~(February 2007)~~ (May 2011); a completed Change of ERDS Role form # ERDS 0008 ~~(February 2007)~~ (May 2011) for individuals that have changed an ERDS role(s); the Computer Security Auditor ERDS certificate and contract; the letter of deposit to an approved escrow facility; and the Vendor of ERDS Software certificate and their contract, if any. If internal county resources and/or another public entity are being used to develop an ERDS in lieu of a vendor, it shall be stated in the county resolution granting establishment of an ERDS.
 - (6) For a Multi-County ERDS, that a copy of the following is on file: the contract or agreement with other county(ies); a list of all secure access and authorized access users; a signed Acknowledgement of Responsibilities form # ERDS 0012 ~~(February 2007)~~ (May 2011); a completed Change of ERDS Role form # ERDS 0008 ~~(February 2007)~~ (May 2011) for individuals that have changed an ERDS role(s); the Sub-County(ies) resolution; the Application for Sub-County System Certification form # ERDS 0001B ~~(February~~

~~2007~~ ([May 2011](#)); and the Sub-County(ies) Recorder's signed Statement of Understanding form # ERDS 0011 (~~February 2007~~) ([May 2011](#)).

...

- (g) The ERDS Program representative shall provide an inspection result letter within ~~10~~ [30](#) ~~business~~ days of the inspection date to the County Recorder or his or her representative.

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Note: Authority cited: Section 27393, Government Code. Reference: Sections 27393(b)(2), 27393(c), 27396(a) and 27396(b)(1), Government Code.

§ 999.220. Incident Reporting.

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- (d) A Fax Transmission Cover Sheet form # ERDS 0007 (~~February 2007~~) ([May 2011](#)) shall be utilized to notify the ERDS Program of the reportable incident(s).

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Note: Authority cited: Sections 27393, 27396(a) and 27396(b), Government Code. Reference: Sections 27393(b)(2), 27393(c), 27394(f), 27396(a) and 27396(b), Government Code.

§ 999.221. Suspension and Termination of Certification.

- (a) System certification may be suspended or terminated. Grounds for suspension or termination shall include, but are not limited to, all of the following:

...

- (6) Non-compliance with the Statement of Understanding form # ERDS 0011 (~~February 2007~~) ([May 2011](#)).

...

Note: Authority cited: Sections 27393, 27396(a) and 27396(b), Government Code. Reference: Sections 27392(a), 27393(b)(2), 27393(c), , 27394(c)-(f), 27396(a) and 27396(b), Government Code.

§ 999.223. Reconsideration.

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- (d) Reinstatement of an ERDS certification that has been suspended or terminated because of non-compliance to administrative requirements shall be dependant upon responding to and rectifying the reason for suspension or termination. Administrative requirements include failure to respond to a notice of corrective action for a non-compliance issue(s) as a result of local inspection, failure to comply with the audit and local inspection schedule, non-payment of a County's proportionate cost of the System Administration Fee, non-compliance with the Statement of Understanding form # ERDS 0011 (~~February 2007~~) ([May 2011](#)), and/or good cause.

Note: Authority cited: Sections 27393, 27396(a) and 27396(b)(1), Government Code. Reference: Sections 27392(a), 27393(b)(2), 27393(c) and 27396, Government Code.