



NATIONAL NOTARY ASSOCIATION

## Handling Loan Documents and Privileged Communications

### **Before the Signing Appointment**

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1. Apply the strongest feasible level of encryption to your home- or office-based wireless routers and networks. Set the security level on your network to allow only the computers and devices you specifically authorize.
2. Utilize strong user accounts on your computers. Even if you are the only user of a laptop, strong login credentials are critical if your laptop is ever lost or stolen.
3. Do not permit others to access your PC or download and print loan documents for you.
4. As a general rule, do not use a public hotspot to access e-mails pertaining to a signing assignment or to print out documents using a mobile printer.
5. Do not download and print e-docs from public computers, even if the documents are retrieved remotely.
6. Only print e-docs from an e-mail or web site associated with the documents. Never save e-docs on any computer you may be using.
7. Do not forward e-mail containing e-docs or other confidential borrower information to anyone, and especially not to third parties.
8. Encrypt e-mail communications with your contracting company or borrower if these communications contain confidential information. All e-mails and text messages must be deleted or purged from your system or cell phone after you close out the assignment.
9. Since cell phones may be lost or stolen, set a locking password on your phone to prevent unauthorized persons from accessing your e-mails, text messages and contact lists.
10. Consider purchasing software for your cell phone that uses GPS or other technologies to locate a lost or stolen phone and remotely lock or wipe it.
11. When contacting the borrower over the phone, verify that you are talking to the borrower before giving out any information.

12. If you place a phone call to a borrower and an answering machine picks up the call, do not leave a voicemail message that contains personal information.
13. Once you receive the documents, you are responsible for them until they are returned to the client. Keep them in a safe, secure and locked location at all times. Do not leave them unattended in a car seat. Do not leave them in public places such as a grocery store counter, copy shop, bank counter, McDonalds or another borrower's home.
14. Whenever possible, personally receive a physical shipment of loan documents from the courier at your home. This will not always be possible, but being present when the shipment arrives ensures that no person can intercept and open the package.
15. Since being personally present to receive a physical shipment of documents is not always possible, you should have a safe location to receive loan documents from UPS, FedEx or other couriers. If you do not have a secure location at home to receive documents, get a mail delivery box to prevent document packages from being left unsecured at your front door or porch.
16. When receiving a physical shipment of documents from a courier, make sure that the seals on any delivered packages are not broken. Promptly report to your contracting company any packages received with broken seals.
17. Do not leave originals or copies of documents in fax or copy machines, whether personal or public.
18. Do not allow others to handle a borrower's loan documents.
19. Do not discuss details of an appointment with family members, friends or coworkers without a need to know, or leave documents in a place where they might be seen by family, friends or coworkers.

## **During the Signing Appointment**

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1. Documents should only be left in your car temporarily. Never leave them in your car overnight or for protracted periods of time.
2. If you must leave the documents temporarily in your car, place them in a locked case or box and place the locked case or box in your trunk.
3. Cars with a trunk are ideal for securing documents, but if you have a hatchback or truck without an enclosed trunk, consider installing a "trunk tarp," cargo or "tonneau" cover.
4. Do not bring the documents from a previous or the next appointment into the location of your current appointment. Keep them locked in a box or case in your trunk.
5. Do not leave documents unattended during the signing.

6. Be sure to positively identify all signers before they sign or view the documents.
7. Always use a privacy guard or protector with your Notary journal to shield the personal information of previous signers from view by the current borrower or signer.
8. Do not allow anyone other than the borrowers (or authorized signers) to view the loan documents.
9. If at all possible and fax-backs of certain documents is not a requirement for the assignment, review the signed documents for all signatures, dates and initials and seal the return package in the presence of the borrowers at the signing table in order to protect yourself from allegations of mishandling personal identifying information in the loan documents. The potential downside of reviewing the documents at the signing table and not later is that you must ensure that there are no missed signatures, dates, initials, Notary seal impressions, where applicable, and completed notarial certificates at the signing *before* you leave, and not later when you are back at home or the office.
10. Place a check for closing costs or other items to be returned with the signed documents in a special envelope, mark it clearly and securely attach it to the documents before placing it in the shipping envelope.
11. When it is not possible to seal the return package in front of the borrowers (in cases, for example, when you must fax back certain documents after the appointment), gather all documents and place them in an envelope or sleeve within an attaché or messenger bag.

## **After the Signing Appointment**

1. If your assignment requires fax-backs of certain documents prior to delivery of the closing package to the shipping carrier, ensure that you promptly remove the original document from the fax machine you are using, whether personal or public.
2. Be sure to use the correct shipping envelope (*e.g.*, a FedEx envelope for a FedEx shipment). Be particularly careful when you are handling several sets of loan documents that must be shipped back after a day's appointments. Be sure the label or air bill and envelope match. Be sure you have attached the correct shipping label or air bill.
3. Never delegate the responsibility of returning documents to another person. Always return the documents yourself.
4. Be sure the shipping envelope is completely sealed before handing off the documents.
5. Hand-off loan documents by (in order of priority): (1) Dropping the package off at an authorized shipping center; or (2) Scheduling a pick-up at your home or office when you are personally present to deliver the package. Utilize a drop box only as a last resort. Depositing the documents in a drop box is the least secure solution because you will not be able to hand

the documents to a live person and ensure the package is scanned when you drop it off. If you deposit documents in a drop box, be sure to use the *correct* drop box (e.g., a FedEx box for FedEx shipments). Believe it or not, we have heard stories of Signing Agents dropping off UPS packages at FedEx drop box locations. Make sure to deposit the package into the drop box and document the exact location of the box, and the date and time the package was dropped.

6. When dropping documents off at the courier's authorized shipping center, personally hand the package to a person at the counter and obtain a receipt with a tracking number. Do not leave the package on the counter or hand it off without obtaining a receipt.
7. If a home pick-up is scheduled with an overnight courier for the return of the completed and signed documents, do not leave the package out on your front door or porch.
8. When scheduling a pick-up at your home or office, be sure the driver scans all packages before he or she leaves.
9. Keep a record of the tracking number for each returned set of loan documents with the documentation or file you keep for the assignment. Some Signing Agents record the tracking number in their Notary journals.
10. Do not retain copies of any documents as notarial records. A detailed journal entry suffices as the required notarial record.
11. Be sure to protect your Notary journal from theft. Always keep it in a locked or secure place when it is not in use.
12. Securely archive all completed Notary journals.
13. Carefully follow all state laws and rules governing retention and disposition of Notary journals at the end of your Notary commission or career as a Notary.
14. Keep a cross cut shredder in your home/office to shred any leftover documents from an appointment. Never throw any documents out with the trash unless they are shredded.



**NATIONAL NOTARY ASSOCIATION**  
*The Nation's Professional Notary Association*

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