

COMMONWEALTH OF VIRGINIA



Information Technology Resource Management Standard

**SECURITY STANDARD
FOR RESTRICTED REMOTE ACCESS TO
DOCUMENTS ON COURT-CONTROLLED WEBSITES**

Virginia Information Technologies Agency

PUBLICATION VERSION CONTROL

Publication Version Control: It is the user's responsibility to ensure they have the latest version of this ITRM publication. Questions should be directed to the Enterprise Architecture (EA) Division at EA@vita.virginia.gov. VITA's *Relationship Management and Governance (RMG)* Directorate will issue a Change Notice Alert and post on the VITA Web site, provide an email announcement to the Agency Information Technology Resources (AITRs) at all state agencies and institutions as well as other parties EA considers to be interested in the change.

This chart contains a history of this publication's revisions.

Version	Date	Purpose of Revision
Original	11/07/2003	Base Document
Revision 1	12/17/2003	Removed the notion of "purpose" from the document by eliminating language that mentions "business use."
Revision 2	03/28/2005	Update the Standard to comply with the changes effective 07-01-2004 to § 2.2-3808.2 of the <i>Code of Virginia</i> regarding the certifying entity for secure remote access to documents on court-controlled websites, § 17.1-279 of the <i>Code of Virginia</i> concerning circuit court clerks certifying their compliance with security standards developed by the Virginia Information Technologies Agency to the Virginia Information Technologies Agency and the Compensation Board, as well as a modification to the definition of "Subscriber" to include "Corporate Subscriber."
Revision 2.1	12/08/2016	This administrative update is necessitated by changes in the <i>Code of Virginia</i> and organizational changes in VITA. No substantive changes were made to this document.
Revision 2.2	06/21/2017	<i>This administrative update is necessitated by changes in the Code of Virginia and organizational changes in VITA. No substantive changes were made to this document.</i>

Identifying Changes in This Document

- See the latest entry in the table above.
- Vertical lines in the left margin indicate that the paragraph has changes or additions.
- Specific changes in wording are noted using italics and underlines; with italics only indicating new/added language and italics that is underlined indicating language that has changed.

The following examples demonstrate how the reader may identify updates and changes:

Example with no change to text – The text is the same. The text is the same. The text is the same.

Example with revised text – This text is the same. *A wording change, update or clarification has been made in this text.* ~~This text is deleted.~~

Example of new section – *This section of text is new.*

PREFACE

Publication Designation

ITRM Standard SEC503-02.42; Security Standard for Restricted Remote Access to Documents on Court-Controlled Websites

Subject

Security standard for restricted remote access to documents on court-controlled websites

Effective Date

~~December 8, 2016~~ June 21, 2017

Supersedes

COV ITRM Standard SEC503-02.1
(12/8/2016)

Scheduled Review

Will be performed as required
~~One (1) year from effective date~~

Authority

Code of Virginia § 2.2-3808.2
(Posting certain information on the Internet; prohibitions) (Repealed 2007)

Code of Virginia §17.1-292
(Applicability; definitions)

Code of Virginia §17.1-293
(Posting and availability of certain information on the Internet; prohibitions)

Code of Virginia §17.1-294
(Secure remote access to land records)

Code of Virginia §17.1-279
(Additional fee to be assessed by circuit court clerks for information technology)

Code of Virginia §2.2-3803
(Administration of systems including personal information; Internet privacy policy)

Code of Virginia §17.1-227
(Documents to be recorded in deed books; social security numbers)

Code of Virginia § 2.2-2007
(Powers of the CIO)

Code of Virginia §42.1-276, et seq.
(Virginia Public Records Act)

Code of Virginia §2.2-3700, et seq.
(Virginia Freedom of Information Act)

Scope

This standard is applicable to all court clerks that post any documents or records on a court-controlled website.

Purpose

(Italics indicate quote from the Code of Virginia requirements)

~~Pursuant to Code of Virginia § 2.2-3808.2, "beginning January 1, 2004, no court clerk shall post on a court-controlled website any document that contains the following information: (i) an actual signature; (ii) a social security number; (iii) a date of birth identified with a particular person; (iv) the maiden name of a person's parent so as to be identified with a particular person; (v) any financial account number or numbers; or (vi) the name and age of any minor child." An exception is provided for remote access by means of a network or system that complies with security standards developed by the Virginia Information Technologies Agency.~~

Pursuant Code of Virginia §17.1-279, "Secure remote access to land records shall be by paid subscription service through individual circuit court clerk's offices pursuant to §17.1-276, or through designated application service providers. Compliance with security standards developed by the Virginia Information Technologies Agency pursuant to §17.1-294 ~~2.2-3808.2~~ shall be certified by the individual circuit court clerks' offices to the ~~Virginia Information Technologies Agency and the Compensation Board~~. The individual circuit court clerk's office or its designated application service provider shall certify compliance with such security standards."

Objectives

- Restricted access limited to pre-registered Subscribers
- Establish a precondition for access to a network or system
 - a. Customers must be registered
 - b. Registration must be in person or by means of a notarized or otherwise sworn application that establishes the prospective Subscriber's identity, business or residence address, and citizenship status.
- Secure Website

General Responsibilities

Virginia Information Technologies Agency (VITA)
In accordance with the *Code of Virginia*, VITA is responsible for developing standards for certifying that remote access to any document on a court-controlled website is "...secure and provide[s] for restricted access pursuant to security standards developed in consultation with the circuit court clerks, the Executive Secretary of the Supreme Court, the Compensation Board, interested citizens, and Subscribers of land and other court records."

All Court Clerks

Responsible for complying with ITRM Standard SEC503-02 issued by the Chief Information Officer of the Commonwealth of Virginia

Definitions

See section 1.4 Definitions, page 4.

Related COV ITRM Policies, Standards and Guidelines

IT Information Security Standard (SEC501-series)
<http://www.vita.virginia.gov/default.aspx?id=537>

Information Systems Facilities Security Guideline (SEC517-series) <http://www.vita.virginia.gov/default.aspx?id=537>

Table of Contents

PUBLICATION VERSION CONTROL.....	i
Identifying Changes in This Document	i
PREFACE.....	ii
1. INTRODUCTION	1
1.1 Authority	1
1.2 Approach.....	3
1.3 Reviews.....	4
1.4 Definitions.....	4
2. STATEMENT OF ITRM REQUIREMENTS FOR RESTRICTED REMOTE ACCESS TO DOCUMENTS ON COURT-CONTROLLED WEBSITES	5
2.1 Establish a Precondition for Access to a Network or System	5
2.2 Restricted Access Requirements	5
2.3 Secure Website Certification.....	8
3. APPENDICES	10
3.1 Appendix A: Example Application	10
3.2 Appendix B: Example Subscriber Agreement.....	11
3.3 Appendix C: Self-Certification	14

1. INTRODUCTION

1.1 Authority

This standard pertains only to the access to documents posted on court-controlled websites through the use of the Internet.

At its 2004⁷ session, the General Assembly of Virginia amended the subsequent sections of the *Code of Virginia* relative to this standard, to read as follows:

§ [17.1-294](#). *Secure remote access to land records.*

A. No circuit court clerk shall provide secure remote access to any land record that does not comply with the provisions of this section and the secure remote access standards developed by the Virginia Information Technologies Agency in consultation with the circuit court clerks, the Executive Secretary of the Supreme Court, the Compensation Board, and users of land and other court records.

B. 1. Beginning July 1, 2010, any land record made available to subscribers via secure remote access shall not contain the social security number of any party.

2. However, the original record maintained by the clerk may contain a social security number if otherwise provided by law, but that original record shall not be made available via secure remote access unless it complies with this section.

3. Except in cases where the original record is required by law to contain a social security number, the attorney or party who prepares or submits the land record for recordation has the responsibility for ensuring that the social security number has been removed from the writing prior to the instrument's being submitted for recordation.

C. Nothing in this section shall be construed to prohibit access to any original document as provided by law.

D. The clerk of the circuit court of any jurisdiction shall be immune from suit arising from any acts or omissions relating to providing secure remote access to land records pursuant to this section unless the clerk was grossly negligent or engaged in willful misconduct.

2007, cc. [548](#), [626](#); 2009, c. [312](#); 2011, c. [715](#); 2012, c. [234](#)

§ [20-121.03](#). *Identifying information confidential; separate addendum.*

5. That § [2.2-3808.2](#) of the Code of Virginia is repealed 2007.

~~§ 2.2-3808.2 (Expires July 1, 2005) Posting certain information on the Internet; prohibitions:~~

~~A. Beginning January 1, 2004, no court clerk shall post on a court controlled website any document that contains the following information: (i) an actual signature; (ii) a social security number; (iii) a date of birth identified with a particular person; (iv) the maiden name of a person's parent so as to be identified with a particular person; (v) any financial account number or numbers; or (vi) the name and age of any minor child.~~

~~B. Each such clerk shall post notice that includes a list of the documents routinely posted on its website.~~

~~C. Nothing in this section shall be construed to prohibit access to any original document as provided by law.~~

~~D. This section shall not apply to the following:~~

~~1. Providing secure remote access to any document by means of a network or system that complies with security standards developed by the Virginia Information Technologies Agency in consultation with the circuit court clerks, the Executive Secretary of the Supreme Court, the Compensation Board, interested citizens, and users of land and other court records. Such standards shall include, but not be limited to, a requirement, as a precondition for access, for registration by users in person or by means of a notarized or otherwise sworn application that establishes the prospective user's identity, business or residence address, and citizenship status;~~

~~2. Postings related to legitimate law enforcement purposes;~~

~~3. Postings of historical, genealogical, interpretive, or educational documents and information about historic persons and events; and~~

~~4. Postings of instruments and records filed or recorded prior to 1902.~~

§17.1-279. Additional fee to be assessed by circuit court clerks for information technology.

A. In addition to the fees otherwise authorized by this chapter, the clerk of each circuit court shall assess a \$5 fee, known as the "Technology Trust Fund Fee," in each law and chancery action, upon each instrument to be recorded in the deed books, and upon each judgment to be docketed in the judgment lien docket book. Such fee shall be deposited by the State Treasurer into a trust fund. The State Treasurer shall maintain a record of such deposits.

B. Four dollars of every \$5 fee shall be allocated by the Compensation Board from the trust fund for the purposes of: (i) developing and updating individual land records automation plans for individual circuit court clerks' offices; (ii) implementing automation plans to modernize land records in individual circuit court clerks' offices and provide secure remote access to land records throughout the Commonwealth; (iii) obtaining and updating office automation and information technology equipment including software and conversion services; (iv) preserving, maintaining and enhancing court records, including, but not limited to, the costs of repairs, maintenance, service contracts and system upgrades; and (v) improving public access to court records. The Compensation Board in consultation with circuit court clerks and other users of court records shall develop and update policies governing the allocation of funds for these purposes. However, such funds shall not be used for personnel costs within the circuit court clerks' offices. The Compensation Board policies governing the allocation of funds shall require that a clerk submit to the Compensation Board a written certification that the clerk's proposed technology improvements of his land records will accommodate secure remote access to those land records on a statewide basis.

The annual budget submitted by each circuit court clerk pursuant to § 15.2-1636.7 may include a request for technology improvements in the upcoming fiscal year to be allocated by the Compensation Board from the trust fund. Such request shall not exceed the deposits into the trust fund credited to that locality. The Compensation Board shall allocate the funds requested by the clerks in an amount not to exceed the deposits into the trust fund credited to their respective localities.

C. The remaining \$1 of each such fee may be allocated by the Compensation Board from the trust fund (i) for the purposes of funding studies to develop and update individual land-records automation plans for individual circuit court clerks' offices, at the request of and in consultation with the individual circuit court clerk's offices, and (ii) for the purposes enumerated in subsection B to implement the plan to modernize land records in individual circuit court clerks' offices and provide secure remote access to land records throughout the Commonwealth. The allocations pursuant to this subsection may give priority to those individual clerks' offices whose deposits into the trust fund would not be sufficient to implement its modernization plan. The Compensation Board policies governing the allocation of funds shall require that a clerk submit to the Compensation Board a written certification that the clerk's proposed technology improvements of his land records will accommodate s remote access to those land records on a statewide

basis.

D. Secure remote access to land records shall be by paid subscription service through individual circuit court clerk's offices pursuant to § [17.1-276](#), or through designated application service providers. Compliance with security standards developed by the Virginia Information Technologies Agency pursuant to § [17.1-294](#) ~~2.2-3808.2~~ shall be certified by the individual circuit court clerks' offices to ~~the Virginia Information Technologies Agency and the Compensation Board~~. The individual circuit court clerk's office or its designated application service provider shall certify compliance with such security standards. Nothing in this section shall prohibit the Compensation Board from allocating trust fund money to individual circuit court clerks' offices for the purpose of complying with such security standards.

E. Such fee shall not be assessed to any instrument to be recorded in the deed books nor any judgment to be docketed in the judgment lien docket books tendered by any federal, state or local government.

F. If a circuit court clerk has implemented an automation plan for his land records that will accommodate secure remote access on a statewide basis, then that clerk may apply to the Compensation Board for an allocation from the Technology Trust Fund for automation and technology improvements in the law and chancery divisions, or the criminal division, of his office. Such request shall not exceed the deposits into the trust fund credited to that locality. The Compensation Board in approval of such application shall consider what local funds have been spent by the jurisdiction to accelerate the implementation of the technology plan approved by the Virginia Information Technologies Agency in each circuit court clerk's office.

G. Information regarding the technology programs adopted by the circuit court clerks shall be shared with the Virginia Information Technologies Agency, The Library of Virginia, and the Office of the Executive Secretary of the Supreme Court.

H. Nothing in this section shall be construed to diminish the duty of local governing bodies to furnish supplies and equipment to the clerks of the circuit courts pursuant to § [15.2-1656](#). Revenue raised as a result of this section shall in no way supplant current funding to circuit court clerks' offices by local governing bodies.

I. It is the intent of the General Assembly that all circuit court clerks provide secure remote access to land records on or before July 1, 2006.

1996, c. [431](#), § 14.1-125.2; 1997, c. [675](#); 1998, c. [872](#); 2000, cc. [440](#), [446](#); 2002, cc. [140](#), [250](#), [637](#); 2003, cc. [205](#), [865](#), [981](#), [1021](#); 2004, c. [676](#); 2005, cc. [681](#), [738](#); 2006, c. [647](#); 2007, cc. [548](#), [626](#); 2009, cc. [793](#), [858](#); 2010, c. [430](#); 2014, c. [460](#).

1.2 Approach

This standard is consistent with the provisions of [COV ITRM Standard \(SEC501-series\)](#) ~~SEC2001-01.1~~: Information Technology Security Standard, which is incorporated by reference, and considered as a part of this standard as if it were fully set out herein.

The standard consists of the following set of components:

- Establish a Precondition for Access to a Network or System
- The Restricted Access Requirements
- Secure Website Certification

These components provide a framework to restrict remote access to all documents on court-controlled websites. For each component listed above a subset of standards has been identified that, together, comprise this ITRM Security Standard for Restricted Remote Access to Documents on Court-Controlled Websites.

1.3 Reviews

A full review of ITRM Standard SEC503-02.42 is anticipated ~~annually~~ *will be performed when requested.*

1.4 Definitions

1. “Public access” means that the public can inspect and obtain a copy of the information in a court record.
2. “Remote access” means that inspection can be made without the need to physically visit the courthouse where the court record is maintained.
3. “Subscriber” means any person authorized by the Clerk of a Circuit Court to have remote access to court documents on its website. If a business or non-profit entity, organization or association (referred to collectively as “Corporate Subscriber”) wishes to become a subscriber, it shall identify each individual employee who will have remote access to the documents on the circuit court-controlled website and each individual employee shall obtain a User ID and Password from the clerk. However, the Corporate Subscriber shall execute the Subscriber Agreement and be responsible to the circuit court for the fees and the proper use of the website pursuant to the Subscriber Agreement.
4. “Court Controlled Website for Documents” means a website or remote access system owned and operated by the Court or a public or private agent that operates the website for the Court.

2. STATEMENT OF ITRM REQUIREMENTS FOR RESTRICTED REMOTE ACCESS TO DOCUMENTS ON COURT-CONTROLLED WEBSITES

This section groups the specifications by the set of components that comprise the Commonwealth's Security Standard for Restricted Remote Access to Documents on Court-Controlled Websites pursuant to [§ 17.1-294](#) ~~§ 2.2-3808.2~~ of the *Code of Virginia*.

2.1 Establish a Precondition for Access to a Network or System

As a precondition and a safeguard, the Subscriber shall complete an application for Internet access to court-controlled documents. The application form (see: Appendix A) consists of basic identification information, including the prospective Subscriber's identity, business or residence address, and citizenship status.

2.1.1 To register a prospective Subscriber shall provide the following information:

- Last Name
- First Name
- Business Name (if applicable)
- Street Address
- City/State/Zip Code
- Phone Number
- Email Address
- Citizenship Status
- Signature

2.1.2 Registration must be in person or by means of a notarized or otherwise sworn application that establishes the prospective Subscriber's identity, business or residence address, and citizenship status.

2.1.3 By signing the Application (See: Appendix A, Example Application), the Subscriber acknowledges and accepts the terms and conditions of the *Subscription Agreement for Internet Access to Circuit Court Documents* (see: Appendix B, Example Subscriber Agreement).

2.2 Restricted Access Requirements

Remote access to any document posted on a court-controlled website is restricted to pre-registered Subscribers.

2.2.1 Pursuant to [§ 17.1-294](#) ~~§ 2.2-3808.2~~ of the *Code of Virginia*, an application must be completed and approved by the Clerk of the Circuit Court from which the Subscriber wishes to inspect and obtain a remote copy of information via the Circuit Court website. This requirement applies to all individuals accessing documents on court-controlled websites

regardless of whether they were a user of this service prior to the effective date of this standard.

2.2.2 The pre-registered Subscriber must comply with the terms of the *Subscription Agreement for Internet Access to Circuit Court Documents* collectively referred to as “Agreement.” The Agreement is incorporated by reference in the application form (see: Appendix A) and reproduced below:

1. Term of the Agreement: It is the intent of both parties to participate in a remote access program to commence on the day the Subscriber ID and Password are assigned and continue until terminated as provided herein.
2. Subscription Options: The Clerk provides an on-line database allowing “inquiry-only” access to the particular court's indices and/or documents.
3. Days and Hours of Operation: Internet access to the Circuit Court documents may be available seven days a week, twenty-four hours a day, including all holidays, or otherwise at the discretion of the Clerk, except during periods:
 - a. Of preventative and remedial maintenance
 - b. Of operational issues beyond the control of the Clerk
 - c. When intrusions against security are being remedied
4. Fees: The fee for the Subscriber is \$ _____ per _____; and the transactional fee is \$ _____ per transaction. Fees are charged at the discretion of the Clerk. If a fee is charged, payment is due upon the issuance of the Subscriber ID and Password. The transactional fee is due upon receipt. The Clerk reserves the right to suspend or terminate service to the Subscriber if payment is not received. All fees are subject to change.
5. Services: The Clerk, deputies, employees or agents shall provide the Subscriber with “inquiry-only” access to a documents management system database (the Database).

The Clerk, deputies, employees or agents shall provide the Subscriber with documentation and limited consultation on specific problems that arise in the use of the website. The Clerk does not guarantee consultation results nor warrant or represent that all errors or problems shall be corrected.

6. Subscriber's Obligations: It is the responsibility of the Subscriber to purchase computer hardware and software and/or make modifications to their existing equipment that are necessary for access to the Database.

The Subscriber is responsible for ensuring that unauthorized personnel do not use the Subscriber's User ID and Password to gain access to court-controlled websites. A Corporate Subscriber shall immediately notify the Clerk when they terminate an employee who has remote access to the documents on the circuit court-controlled Website.

Information accessed from the Database is for the use of the Subscriber.

7. Limitations of Liability: The Subscriber relieves and releases the Clerk, deputies, employees or agents from liability for any and all damages resulting from interrupted service of any kind. The Subscriber further relieves and releases the City/County of _____, its Board of Supervisors, officers, employees and agents from liability for any and all damages resulting from interrupted service of any kind. The Subscriber also relieves and releases the *Office of the Executive Secretary, Supreme Court of Virginia*, employees and agents from liability for any and all damages resulting from interrupted service of any kind.

The Subscriber hereby relieves releases and holds harmless the Clerk, the City/County of _____, its Board of Supervisors, officers and their deputies, employees and agents of any liability for any and all damage resulting from incorrect data or any other misinformation accessed from this service. The Subscriber also relieves and releases the *Office of the Executive Secretary, Supreme Court of Virginia*, employees and agents from incorrect data or any other misinformation accessed from this service.

The Subscriber agrees that the Clerk, the City/County of _____, its Board of Supervisors, officers and their deputies, employees or agents shall not be liable for negligence or lost profits resulting from any claim or demand against the subscriber by any other party. The Subscriber also relieves and releases the *Office of the Executive Secretary, Supreme Court of Virginia*, employees and agents from liability for any and all damages resulting from any claim or demand against the subscriber by any other party.

The information or data accessed by the Subscriber may or may not be the official government record required by law. In order to assure the accuracy of the data or information, the Subscriber should consult the official governmental record.

8. Termination: Either party may terminate this agreement without cause with fifteen (15) days email notice to the other. Subscriber remains responsible for payment of fees, pro rata, for services rendered or obligations incurred.

This agreement may be terminated immediately by the Clerk for Subscriber's failure to comply with the terms of this agreement, failure to make payments of fees or breach of agreement.

This agreement shall terminate immediately if the Commonwealth of Virginia or City/County of _____ fail to appropriate and continue funding for services provided under this agreement.

9. Definitions:

- i. "Public access" means that the public can inspect and obtain a copy of the information in a court record.

- ii. “Remote access” means that inspection can be made without the need to physically visit the courthouse where the court record is maintained.
- iii. “Subscriber” means any person authorized by the Clerk of a Circuit Court to have remote access to court documents on its website. If a business or non-profit entity, organization or association (referred to collectively as “Corporate Subscriber”) wishes to become a subscriber, it shall identify each individual employee who will have remote access to the documents on the circuit court-controlled website and each individual employee shall obtain a User ID and Password from the clerk. However, the Corporate Subscriber shall execute the Subscriber Agreement and be responsible to the circuit court for the fees and the proper use of the website pursuant to the Subscriber Agreement.
- iv. “Court Controlled Website for Documents” means a website or remote access system owned and operated by the Court or a public or private agent that operates the website for the Court.

10. Application: Pursuant to [§17.1-294](#) ~~§2.2-3808.2~~ of the *Code of Virginia*, an application must be completed. The application must be approved by the Clerk's office before the Subscriber ID and Password will be issued.

2.3 Secure Website Certification

Pursuant to [§17.1-294](#) ~~§2.2-3808.2~~ and [§17.1-279](#) of the *Code of Virginia*, the Virginia Information Technologies Agency (herein after referred to as “VITA”) is responsible to develop security standards for secure remote access to any document posted on a court-controlled website; and the individual circuit court clerks or their vendor/service provider on their behalf shall certify compliance to VITA and the Compensation Board (herein after referred to as “the Board”) with such security standard.

2.3.1 No Clerk shall post on a court-controlled website any document that is restricted, pursuant to [§17.1-294](#) ~~§2.2-3808.2~~ of the *Code of Virginia*, without first certifying to VITA and the Board that its court-controlled website is secure and provides for restricted access.

2.3.2 To certify and to retain certification as secure for restricted remote access, pursuant to [§ 17.1-279](#) of the *Code of Virginia*, a court-controlled website shall comply with both this security standard and [COV ITRM Standard SEC501\(-series\)](#) ~~SEC2001-01.1~~: *Information Technology Security Standard*. Regarding COV ITRM Standard SEC501(-series) ~~SEC2001-01.1~~, the following sections are mandatory and the others are highly recommended as best practices: (A.) Business Analysis and Risk Assessment; (E.) Authentication, Authorization and Encryption; (F.) Data Security; (G.) Systems Interoperability Security; (H.) Physical Security; (I.) Personnel Security; and (J.) Threat Detection. ~~If the hyperlink above to SEC2001-01-1 fails to open insert the following URL in your browser and click go:~~
[http://www.vita.virginia.gov/uploadedFiles/Library/PSGs/IT_Security_Standard_\(SEC2001-01-1_Eff_12-07-2001.pdf\)](http://www.vita.virginia.gov/uploadedFiles/Library/PSGs/IT_Security_Standard_(SEC2001-01-1_Eff_12-07-2001.pdf))

A complete risk assessment is appropriate the earlier of (i) every five years measured from the date of the last complete risk assessment, (ii) whenever a change occurs in the physical plant of the court facilities that affects security, or (iii) a change occurs in the technological systems utilized by the court that affects security. When a change in either physical plant or technological systems occurs, the clerk should provide a certification that either (a) the level of risk has not changed, or (b) if the level of risk changed, that a supplemental risk assessment has been provided. The clerk may base his/her certification upon the representation of any vendor that any change in the physical or technology system should not compromise system security. However, no additional risk assessment is appropriate if the changes to the physical plant or the technological systems are implementations of a previous risk assessment.

2.3.3 A Clerk shall self-certify, or cause to be self-certified by their vendor/service provider on their behalf, a court-controlled website by one of the following methods:

- (i) Self-certified to the Board via its automated web system during the annual Technology Trust Fund budget cycle.
- (ii) Complete and return the Self-Certification form (see: Appendix C) to ~~VITA~~ and the Board.

~~VITA~~ or [T]he Board shall confirm receipt to the Clerk by email within five (5) business days after receipt of the Self-Certification form.

2.3.4 All Clerks shall maintain a record of each Subscriber application received, regardless of whether the application was approved or not, as well as a record of all remote access permitted to court-controlled documents on its website. Commercial software is available, for web servers that do not have a built-in monitoring and surveillance capability, to keep electronic logs of transactions. Examples are Tripwire, Inc.'s products: "Tripwire for Servers" or "Tripwire for Network Devices."

2.3.4 VITA retains the right to periodically inspect the records pertaining to remote access and audit compliance with [COV ITRM IT Information Security Standard \(SEC501- series\)](#) ~~SEC2001-01.1~~ of certified court- controlled websites with five days prior email notice to the Clerk.

2.3.5 If VITA finds a court-controlled website not to be in compliance with this standard, the Clerk shall be immediately informed by email to discontinue all public access to the website until it can re-certify to be in compliance.

3. APPENDICES

3.1 Appendix A: Example Application

APPLICATION FOR INTERNET ACCESS TO RECORDS MANAGEMENT SYSTEM

The approval of this application is at the Clerk of the Circuit Court's discretion. By signing this application the Subscriber acknowledges and accepts the terms and conditions of the *Subscriber Agreement for Internet Access to Circuit Court Documents* as incorporated by reference herein.

SUBSCRIBER:

CORPORATE NAME: _____

INDIVIDUAL'S LAST NAME: _____

INDIVIDUAL'S FIRST NAME: _____

BUSINESS NAME *(if applicable)* _____

STREET ADDRESS _____

CITY/STATE/ZIP _____

PHONE NUMBER _____

EMAIL ADDRESS _____

UNITED STATES CITIZEN Y N *(Please circle one)*

SIGNATURE _____

I certify that the information above is true and correct.

I, _____ a Notary Public, do hereby certify that on this day of _____, 20 , _____ personally appeared before me and swore and acknowledged to me that the statements contained therein are true and correct.

Notary Public, County of _____

Name (Typed or Printed): _____

My Commission Expires: _____

Notary Phone Number: _____

For use by Circuit Court Clerk's Office only

SUBSCRIBER ID _____

PASSWORD _____

EXPIRATION DATE _____

3.2 Appendix B: Example Subscriber Agreement

SUBSCRIBER AGREEMENT FOR INTERNET ACCESS TO CIRCUIT COURT DOCUMENTS

1. TERM OF AGREEMENT

It is the intent of both parties to participate in a remote access program to commence on the day the User ID and Password are assigned and continue until terminated as provided herein.

2. SUBSCRIBER OPTIONS

The Clerk provides an on-line database allowing "inquiry-only" access to the particular court's indices and/or documents.

3. DAYS AND HOURS OF OPERATION

The Internet access to the Circuit Court documents may be available seven days a week, twenty-four hours a day, including all holidays, or otherwise at the discretion of the Clerk, except during periods:

- a. Of preventative and remedial maintenance
- b. Of operational issues beyond the control of the Clerk
- c. When intrusions against security are being remedied

4. FEES

The fee for the Subscriber is \$_____per_____; and the transactional fee is \$_____per transaction. Fees are charged at the discretion of the Clerk. If a fee is charged, payment is due upon the issuance of the User ID and Password. The transactional fee is due upon receipt. The Clerk reserves the right to suspend or terminate service to the Subscriber if payment is not received. All fees are subject to change.

5. SERVICES

The Clerk, deputies, employees or agents shall provide the Subscriber with "inquiry-only" access to the documents management system database (the Database).

The Clerk, deputies, employees or agents shall provide the Subscriber with documentation and limited consultation on specific problems that arise in the use of the website. The Clerk does not guarantee consultation results nor warrant or represent that all errors or problems shall be corrected.

6. SUBSCRIBER'S OBLIGATIONS

It is the responsibility of the Subscriber to purchase computer hardware and software and/or make modifications to their existing equipment that are necessary for access to the Database.

The Subscriber is responsible for ensuring that unauthorized personnel do not use the Subscriber's computer.

Information accessed from the Database is for the use of the Subscriber.

7. LIMITATION OF LIABILITY

The Subscriber relieves and releases the Clerk, deputies, employees or agents from liability for any and all damages resulting from interrupted service of any kind. The Subscriber further relieves and releases the City/County of _____, its Board of Supervisors, officers and their deputies, employees and agents from liability for any and all damages resulting from interrupted service of any kind. The Subscriber also relieves and releases the *Office of the Executive Secretary, Supreme Court of Virginia*, employees and agents from liability for any and all damages resulting from interrupted service of any kind.

The Subscriber hereby relieves and releases and holds harmless the Clerk, the City/County of _____, its Board of Supervisors, officers and their deputies, employees or agents of any liability for any and all damage resulting from incorrect data or any other misinformation accessed from this service. The Subscriber also relieves and releases the *Office of the Executive Secretary, Supreme Court of Virginia*, employees and agents from liability for any and all damages resulting from incorrect data or any other misinformation accessed from this service.

The Subscriber agrees that the Clerk, the City/County of _____, its Board of Supervisors, officers and their deputies, employees or agents shall not be liable for negligence or lost profits resulting from any claim or demand against the subscriber by any other party. The Subscriber also relieves and releases the *Office of the Executive Secretary, Supreme Court of Virginia*, employees and agents from liability for any and all damages resulting from any claim or demand against the subscriber by any other party.

The information or data accessed by the Subscriber may or may not be the official government record required by law. In order to assure the accuracy of the data or information, the Subscriber should consult the official governmental record.

8. TERMINATION

Either party may terminate this agreement without cause with fifteen (15) days email notice to the other. Subscriber remains responsible for payment of fees, pro rata, for services rendered or obligations incurred.

This agreement may be immediately terminated by the Clerk for Subscriber's failure to provide correct or complete information on the application, failure to comply with the terms of this agreement, failure to make payments of fees or breach of agreement.

This agreement shall terminate immediately if the Commonwealth of Virginia or City/County of _____ fail to appropriate and continue funding for services provided under this agreement.

9. DEFINITIONS

- i. "Public access" means that the public can inspect and obtain a copy of the information in a court record.
- ii. "Remote access" means that inspection can be made without the need to physically visit the courthouse where the court record is maintained.
- iii. "Subscriber" means any person authorized by the Clerk of a Circuit Court to have remote access to court documents on its website. If a business or non-profit entity, organization or association (referred to collectively as "Corporate Subscriber") wishes to become a subscriber, it shall identify each employee who will have remote access to the documents on the circuit court-controlled website and each employee shall obtain a User ID and Password from the clerk. However, the Corporate Subscriber shall execute the Subscriber Agreement and be responsible to the circuit court for the fees and the proper use of the website pursuant to the Subscriber Agreement.
- iv. "Court Controlled Website for Documents" means a website or remote access system owned and operated by the Court or a public or private agent that operates the website for the Court.

10. APPLICATION

Pursuant to [§17.1-294](#) ~~§2.2-3808.2~~ of the *Code of Virginia*, an application must be completed. The application must be approved by the Clerk's office before the User ID and Password can be issued.

3.3 Appendix C: Self-Certification (Vendor/Service Provider on behalf of a Circuit Court Clerk)

CIRCUIT COURT-CONTROLLED WEBSITE SELF-CERTIFICATION

TO: _____ Chief Information Officer
 e/o Virginia Information Technologies Agency
 110 South 7th Street
 Richmond, Virginia 23219-3931

TO: Executive Secretary
 Compensation Board
 P.O. Box 710
 Richmond, VA 23218-0710

FROM: Clerk of the Circuit Court of _____ City/County

RE: Certification of Circuit Court-Controlled Website

I, **(Full Name of Clerk)**, Circuit Court Clerk, Court of _____ City/County certify that, as of this date and to the best of my knowledge, information, and belief, this Court's website and supporting computer network or system:

1. Restricts remote access to court-controlled documents posted on it that contain the following information: (i) an actual signature; (ii) a social security number; (iii) a date of birth identified with a particular person; (iv) the maiden name of a person's parent so as to be identified with a particular person; (v) any financial account number or numbers; or (vi) the name and age of any minor child – to only those Subscribers approved by myself or my designee.
2. Is consistent with ~~§17.1-293~~§2.2-3808.2 of the *Code of Virginia* (Posting and availability of certain information on the Internet; prohibitions).
3. In compliance with the following mandatory provisions of [COV ITRM IT Information Security Standard \(SEC501- series\)](#) SEC2001-01.1: (A.) Business Analysis and Risk Assessment; (E.) Authentication, Authorization and Encryption; (F.) Data Security; (G.) Systems Interoperability Security; (H.) Physical Security; (I.) Personnel Security; and (J.) Threat Detection.
4. In compliance with the provisions of ITRM Standard SEC503-02.2: Security Standard for Restricted Remote Access to Documents on Court-Controlled Websites.

 Signature of the Clerk of the Circuit Court

 Date

 Print Name of the Clerk of the Circuit Court, Court of _____ City/County