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NOTARIES IN THE ERA OF AI

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ABSTRACT: In the modern world, technological innovation is advancing at an unprecedented pace and artificial intelligence (AI) stands out as a transformative set of technologies with profound social and economic implications. AI is not a single invention, but a cluster of rapidly developing tools that increasingly affect all areas of professional and social life. Its functional nature—fast, widely accessible and highly adaptable—suggests that its impact on legal relations will only intensify over time, whether in routine tasks or complex processes.

The aim of this research is to analyze the potential and challenges of integrating AI into the Latin-based notary system. While several European notary chambers have already adopted new applications—such as chatbots for client communication, automated drafting tools, data-verification systems, videoconferencing platforms and electronic notarial acts—Georgia remains in the early stages of technological adaptation. This study seeks to identify best practices from the European experience and propose strategies to ensure that Georgian notaries can deliver services that are efficient, secure and user-oriented.

Methodologically, the research employs a doctrinal and comparative approach. Legislative frameworks, professional guidelines and existing technological infrastructures in European notary systems are examined, alongside an evaluation of risks linked to automation, data protection and reliability. The analysis is complemented by practical assessments of how such technologies could be introduced, considering both institutional capacity and public trust. The expected contribution of this research is twofold. First, it provides a systematic overview of how innovative services can be responsibly implemented in the Latin-based notary systems. Second, it highlights the risks of technological integration and offers recommendations to mitigate them.

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The study underscores that the modernization of the notarial profession is inseparable from technological development and is vital for maintaining the relevance, accessibility and credibility of notarial services in the digital age. Notaries should not be replaced by AI, it must be guided by notaries—We should overcome this fear together.

KEYWORDS: notary service; artificial intelligence; digitalization; implementation.

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1. INTRODUCTION

It was once truly unimaginable for notaries to use computers or register notarial acts electronically—paper was long considered the main source of validity and credibility. Before the era of paper, there were other forms of record-keeping, but the introduction of paper transformed the notarial understanding of authenticity and trust.

Now, in the age of artificial intelligence, paper is no longer the only foundation of professional services. A new digital world has emerged, where AI offers unprecedented opportunities for efficiency and innovation. Yet, alongside these possibilities comes fear of replacement, irrelevance, mistakes and misunderstanding. This fear is deeply felt among notaries and it is crucial to engage in open discussions about what we expect from AI and what we do not.

The advancement of technology has become a topic of broad discussion and debate over the past decade. Across Europe, both at the level of the Council of Notaries of the European Union and within individual notary chambers, there is a clear direction toward the technological development of notarial services. This involves, on the one hand, the introduction of technological innovations into notarial acts and on the other hand, the digitalization of notarial acts. In the case of Georgia, this issue is also on the agenda and it is desirable to pursue consistent measures to establish the legal and software frameworks necessary for the use of new technologies.

Ensuring legal support is crucial so that notaries have the authority to perform specific actions using new technology. Primarily, this involves establishing relevant provisions within the instructions for performing notarial acts, which ensures the uninterrupted execution of notarial actions remotely. The software aspect is expressed through providing notaries with access to AIs. This could take the form of a package of applications offered to notaries.

The development of the notarial registry and the provision of digital services form the starting point and should functionally become a leading priority, given current challenges. Notaries require additional digital services to carry

out remote notarial actions or to draft electronic notarial acts. This means that, for performing a specific action, a notary cannot rely on a single technology, application, or artificial intelligence tool alone; rather, all elements must be integrated within the notarial registry or a multifunctional web-based platform in compliance with security rules. This approach was adopted by the notariates of Latvia and Estonia when planning electronic notarial acts and remote notarial actions. The notarial registry, as a database, must be systematically, programmatically and legally organized. Issues such as access control and functional organization may need to be reviewed. The development of the registry is linked to the functional alignment with the databases of other related institutions. Restricting notaries' access to other institutional registries would have a significant impact on their activities.

The modern digital era is significantly transforming the notarial profession. The integration of new technologies into notarial activities not only increases the efficiency of services but also ensures the accessibility, transparency and reliability of notarial services.

2. DIGITAL TRANSFORMATION AND MODERNIZATION OF NOTARIAL SERVICES

On September 5, 2024, at the Conference of Ministers of Justice of the Council of Europe, representatives from the European Union, the United Kingdom, the United States, Israel, Andorra, Iceland, Norway, Moldova, San Marino and Georgia signed the Council of Europe Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law. This Convention is the first legally binding international instrument to regulate the use of AI in a way that protects human rights, democracy and the rule of law[1].

The Convention sets out a clear framework and fundamental principles for AI deployment, emphasizing that AI systems must respect human dignity and autonomy, promote equality, protect privacy and personal data, ensure transparency and oversight and remain accountable, reliable and safe[2]. States are required to implement these principles through appropriate legislation, administrative measures and risk assessments when deploying AI systems. Key protections for individuals include access to information about AI systems, the ability to challenge AI-driven decisions, mechanisms to submit complaints, procedural guarantees for safeguarding rights and notifications when AI is used in decision-making[3]. Ratifying the Convention will directly affect state institutions, including notary chambers. The integration of ar-

[1] Council of Europe. (2024). *Framework convention on artificial intelligence and human rights, democracy and the rule of law (CETS No. 225).*

[2] Council of Europe. (2024). *Framework convention on artificial intelligence and human rights, democracy and the rule of law (CETS No. 225)* (Part III).

[3] Council of Europe. (2024). *Framework convention on artificial intelligence and human rights, democracy and the rule of law (CETS No. 225)* (Part IV).

tificial intelligence into the regulatory framework of the Chamber of Notaries must fully comply with both international and national human rights standards. This underscores the need for notaries to adopt AI responsibly, ensuring that technological advancements enhance legal processes without undermining ethical principles or professional integrity.

Also, The EU "Artificial Intelligence Act" establishes the rules for the use of artificial intelligence systems within the territory of the European Union. According to this Act, AI technology must be based on respect for human rights. The Act is legally binding and aims to regulate the processes of creating, developing and using artificial intelligence systems[4].

A Latin notary is a legal professional operating within civil law jurisdictions, particularly in countries influenced by Roman law traditions[5]. Unlike notaries in common law countries, who primarily witness signatures and administer oaths, a Latin notary plays a much broader and more formal role. Latin notaries are legally trained and usually must pass rigorous examinations to practice. They act as public officers, appointed by the state to draft, authenticate and preserve certain legal documents. Their work carries significant legal weight, as documents executed by a Latin notary are presumed to be accurate and legally enforceable. This preventive function ensures that transactions are correctly executed according to the law and reduces the likelihood of future disputes[6].

The scope of a Latin notary's work is extensive. They handle matters such as real estate transfers, wills and inheritance, marriage contracts and commercial agreements, including company incorporations. Their role is characterized by both expertise and impartiality, guaranteeing that all parties involved in a transaction understand the legal implications of their actions. In civil law systems, documents produced by Latin notaries often have probative force, meaning they are presumed correct and usually do not require further validation in court. This contrasts sharply with the role of notaries in common law countries, where the notary's authority is limited primarily to witnessing signatures and verifying identities. The Latin notary is a state-appointed legal expert whose primary function is to ensure the legality, authenticity and security of legal documents, providing parties with certainty and protection in their transactions[7].

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[4] European Parliament and Council of the European Union. (2024). *Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act)*. *Official Journal of the European Union*.

[5] Malavet, P. A. (1996). Counsel for the situation: The Latin notary, a historical and comparative model. *Hastings International and Comparative Law Review, 19*, 392.

[6] Zeng, R. (2012). Real estate operations and notary system in civil law legal systems. *US-China Law Review, 9*, 547.

[7] Geimer, R. (2001). The circulation of notarial acts and their effect in law. In *XXIII International Congress of Latin Notaries: Report of the German delegation* (p. 65).

We cannot improve AI as a standalone project; we need to integrate it into our everyday processes. This means we must enhance notary databases and start considering improvements to electronic notarial acts.

The Council of Notaries of the European Union comprises representatives from the notary chambers of 22 member countries. In 2024, the Notary Chamber of Georgia joined the Council as an observer. Among the primary objectives of the Council's member states is the enhancement of notarial databases for automated data processing and the integration of updated information technologies and artificial intelligence[8].

Certain member countries have started to create new tools and AI-based systems within their notarial organizations. It's interesting to review how they introduce these tools to their citizens.

In Italy, an electronic model of the notarial deed has been in use since 2013, eliminating the need for a printed counterpart. Users input their personal data into the notary electronic registry template, which then generates an electronic notarial deed. The document is reviewed by an on-duty notary, selected by the user from within the system. This service is praised for its speed and reliability[9].

In the Czech Republic, the notary registry is integrated with the court register, allowing notaries access to both the notarial and judicial stages of user applications and their supporting documents. Certain functions are delegated to notaries, enabling them to process data stored in the court database according to predetermined criteria. In probate proceedings, both notarial and judicial actions are conducted electronically, with only the final outcome printed[10].

Austria has maintained an electronic working document integrated with the notary registry since 2000, which also includes an archiving function. Notaries can execute any notarial act within this document and once completed, the notarial deed is automatically recorded in the performed actions field. The system is known for its high capacity, security and flexible sharing functionality, allowing efficient management of both current and archived notarial acts[11].

Since 2014, Romania has implemented an electronic platform consolidating various types of notary registers. Managed by the Center for the Mana-

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[8] European Commission for the Efficiency of Justice (CEPEJ). (2018). *Specific study of the CEPEJ on the legal professions: Notaries*. Working Group on the Evaluation of Judicial Systems, Notaries of Europe (CNUE), 7–10.

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[11] Hall, E. G. (2015). *The common law and civil law notary in the European Union: A shared heritage and an influential future* (p. 15).

gement of Notary Registries, the system enables real-time document generation by inputting the user's personal data, the content and the responsible notary[12].

The Belgian Notary has developed an electronic platform for public real estate auctions, allowing users to participate remotely. Notaries review the auction results and prepare the notarial deed, enabling the winner to request property registration. Additionally, Belgium has established a citizen-oriented communication system, allowing users to submit inquiries and receive real-time responses, while notaries perform requested actions electronically[13].

In Estonia, Lithuania and Latvia, all notaries utilize a secure electronic information system with cross-border functionality among the three countries' notary offices. This system integrates registers that establish rights and provides open access to participating notaries[14].

Germany has introduced an innovative electronic registration system for limited liability companies. Notaries create electronic forms by inputting the data of interested parties, with the platform featuring archiving functions and regular updates to reflect current and past actions[15].

Digitization of notarial acts is a key priority for modern notaries in the EU member states. Consequently, notary registries are largely digitized. For example, Austria, Belgium, Croatia, the Czech Republic, Estonia, France, Germany, Hungary, Latvia, Luxembourg, Malta, the Netherlands, Poland and Romania maintain registers of wills and successions linked to the EU succession register. This system provides notaries with information about inheritances issued in specific jurisdictions. The accessibility of notarial acts in these registers varies: they may include the notary's physical signature and seal or only electronic details, such as a unique code.

The digital transformation and modernization of notarial services have emerged in response to the evolving demands of the digital era, as traditional paper-based processes are progressively replaced by digital solutions and notaries must be prepared to act competently in accordance with these new digital requirements which are increasingly important compared to the last century. One of the main subjects is the digitalization of notarial acts and the use of AI in creating notarial acts within this process.

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[14] Parsova, V., Gurskiene, V., & Kaing, M. (2012). *Real property cadastre in Baltic countries* (p. 158).

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3. DIGITALIZATION OF NOTARIAL ACTS

3.1. Estonia's experience

Since 2010, Estonian notaries have been developing a program to provide online access to notarial services. A key milestone in this process was the Estonian "e-Residency" program, which enabled the remote verification of individuals' identities and allowed its use in certain notarial procedures. Through e-Residency, individuals connected to Estonia whether through business or other ties—could confirm their identity remotely. While the digital ID issued under this program could not serve as a personal identity card or travel document, it was fully valid for identification purposes and for executing a digital signature.

Initially, the platform was designed primarily for users abroad, enabling them to perform certain notarial acts such as issuing powers of attorney or submitting inheritance-related applications without traveling to Estonia. However, the Covid-19 pandemic significantly accelerated the adoption of the system, expanding its use far beyond the original scope.

Due to restrictions on movement and the need to minimize physical contact, Estonia adopted a law on remote authorization, allowing notaries to perform nearly all notarial acts remotely, with the exception of marriage and divorce applications. Notaries retained the right to refuse remote services if they deemed the format unsuitable for a particular client, if the quality of the connection compromised the reliability of identity verification, or if other circumstances cast doubt on the integrity of the notarial process. Following the adoption of this law, remote authorization rapidly gained popularity in Estonia, eventually accounting for nearly one-third of all notarial transactions.

In the e-Notary system, the notary designates the specific notarial act to be performed remotely and grants access to the participants. At this stage, the notary may also use the Verifyprogram, which prompts the user to take a photograph of themselves alongside their identity document. The system then compares this image with stored biometric data to detect potential fraud. While these technical tools enhance security, the notary remains fully responsible for verifying the participant's identity.

Only individuals holding an Estonian ID card including the e-Residency ID are eligible to participate in remote authorization. The notary can access participants' photos from the databases of the Police and Border Guard Board, relying on these images for identification rather than the document submitted by the user. If necessary, the notary may ask additional questions, drawing on information from the civil registry, which contains details such as the person's residence, parents and children.

If identity cannot be reliably confirmed due, for example, to a poor internet connection the notary may refuse remote authorization and require the participant to appear in person. To access the system, users must enter their

digital ID code. When Verify is used, access is granted only after successful completion of the verification procedure. Once verified, a secure video link is established and the participant enters the "digital notary office."

The remote authorization process mirrors the procedures in a notary's office. The notary reads the text of the document, explains its terms and conditions and makes any necessary changes. The document is displayed on the screen for all participants, though only the notary has editing privileges. Once all parties agree, the document is stored in a digital repository and sent for signatures. Signatures are executed on the "e-Notary" platform and the notary receives a notification when all signatures are completed. Subsequently, the notary signs the document and grants participants access via the www.notar.ee platform. The document is preserved as a digital original, with a certified print copy archived by the notary if required.

With 98 por cien of the Estonian population holding an ID card and over 61 000 valid e-Residency IDs issued, digital identification and signing are highly streamlined. Estonia's digital signature complies with the highest standards under the EU eIDAS directive. Nevertheless, some users prefer in-person interaction with a notary. To accommodate this, hybrid authorization was introduced on September 7, 2021, allowing some participants to attend physically at the notary's office while others join remotely[16].

Estonia's e-Notary system is an innovative leap in digital notarial services, but it faces several challenges. First, its accessibility is limited to Estonian ID cardholders and e-Residents, excluding foreign nationals and individuals without these credentials, thus restricting its international reach. Second, the system's reliance on stable internet connections and biometric verification can hinder users with poor connectivity or technical issues, forcing them to appear in person. Although the notary's right to refuse remote services ensures security, it can lead to inconsistent access. User trust remains a concern, as some individuals still prefer traditional in-person interactions, reflecting skepticism about fully digital processes. Additionally, while biometric data and photo database access enhance security, they also raise privacy and data protection issues, requiring strict safeguards and clear user consent protocols. Lastly, accommodating both physical and remote participation could create logistical complications and strain resources, adding operational complexity. To ensure the system's success and broader adoption, these issues—accessibility, technology, user trust, privacy and operational challenges must be addressed.

[16] The Estonian Notary Chamber facilitates remote authentication and facial recognition services for notarial acts, as regulated by several key legal documents. These include the Estonian Notaries Law Act (§ 36), the Notarisation Act and the Notaries Regulation, all of which establish the legal basis for remote notarial procedures. The remote authentication service, accessible through the official portal, integrates advanced facial recognition technology to ensure secure identity verification. Estonia's pioneering fully remote e-notary service represents a significant advancement in digital public services, making it one of the first state-level implementations of this kind in Europe. This initiative highlights Estonia's commitment to leveraging technology to increase accessibility, security and efficiency in legal and administrative processes.

3.2. Latvia's experience

Over the past decade, the Latvian notariat has implemented several IT solutions that distinguish it from others. Since July 2018, it has been possible to perform notarial acts remotely, making Latvia the first country not only in the Baltic region but across Europe to offer such services. The Latvian notariat was also the first to provide users with close access to online services via *www.latvijasnotars.lv*.

To receive remote notarial services, a user must first schedule a video consultation with a notary through the Latvian Notaries' Portal. This portal has become a fully developed platform offering modern, fully digital and interactive services in collaboration with notaries across the country.

Currently, the following notarial services can be accessed online in Latvia: issuing powers of attorney, opening estates, obtaining legal consultations, filing divorce applications, transferring real estate, drafting wills and more. Before booking a video consultation with a notary, it is necessary to create a valid "eSignature" (electronic signature). A notarial act cannot be performed remotely without an eSignature. If a user does not have a Latvian eSignature, it can be obtained by applying for an eID card through the Latvian embassy.

For a video consultation, users need an eSignature, a Latvian passport or eID card, access to online banking, a computer with a camera, microphone and headphones, a reliable internet connection and a quiet, well-lit space. Remote notarial services are particularly beneficial for the more than 370 000 Latvians living abroad (including 250,000 in Europe), though local residents also benefit by completing acts quickly without visiting a notary in person. Notably, remote notarial services have become an essential practical tool in the context of digital transformation.

Since July 2018, the portal has offered the "Verify Power of Attorney" service. This feature provides additional security in business transactions, allowing users to verify whether a power of attorney exists, is valid and whether the presented document matches the original.

The portal also provides access to records of all notarial acts dating back to 2006. For example, if someone forgets where a will was notarized, this information is available online.

Since July 1, 2019, the competence to certify public documents with an apostille has been transferred to Latvian notaries. Citizens no longer need to travel to the capital for this service; it is available at any notary office in 30 Latvian cities. Notaries can also certify electronic documents with an apostille remotely. This service is fully digital and documents can be accessed on the portal by entering the apostille number or uploading the file in the appropriate format.

User identification is performed on the portal (www.latvijasnotars.lv) through the appropriate authorization methods. The responsible authority

for the portal is the State Agency for Digital Development (Latvia.lv). To complete the process, citizens need an eSignature, an eID card, Smart-ID (mobile authentication), or bank authorization (as needed). After successful verification, the user gains access to their profile.

Participation in remote notarial acts is available to individuals with a Latvian personal identification number. Video conferences are conducted using the Twilio system. Any notarial act can be performed via video conference. Digital documents are stored in compliance with the relevant regulations, using only qualified electronic signatures from EU Trusted List providers.

From July 1, 2024, notaries in Latvia will not be able to register marriages remotely, but they will be able to register divorces. Remote authorization is not subject to any geographical restrictions. Anyone with a valid eSignature can use the service from anywhere in the world. Since the system's implementation, no issues have arisen regarding the recognition of Latvian remote notarial acts abroad. If necessary, the notary can issue a printed extract equivalent to the original document[17].

Latvia's early adoption of remote notarial services and its comprehensive digital platform mark significant progress in modernizing legal services, positioning it as a European pioneer since 2018. However, the system faces notable challenges. Its reliance on multiple digital requirements such as a Latvian eSignature, eID, online banking and proper hardware excludes those without access or digital skills, especially older adults and people in areas with poor internet. Limiting remote services to individuals with a Latvian personal ID number further restricts access for non-residents and foreign nationals, hindering cross-border transactions. The use of third-party platforms raises privacy and security concerns that require stronger oversight. Additionally, mandatory advance booking of video consultations may reduce flexibility for urgent needs. While online access to records and document verification improves transparency, these features depend heavily on users' digital literacy, which may limit their practical value.

3.3. Hungary's experience

Hungary has established a legal framework that allows for the creation of electronic notarial acts. By law, all 313 Hungarian notaries are required to hold a qualified electronic signature, which enables them to draft electronic

[17] The Latvian Notary Chamber has officially authorized the performance of notarial acts through digital means, as regulated by the Notariate Law, particularly Division E.1 on Electronic Deeds and Certifications. This legal framework enables notaries to offer remote services accessible via the official website (www.latvijasnotars.lv), with user authentication facilitated through the national portal (www.latvija.lv). To utilize these services, clients must possess a valid eSignature, which can be one of several recognized forms (eID, eParaksts, eParaksts Mobile, or Smart-ID). Additionally, identity verification through a passport or ID card is required and is conducted by the notary at the start of the online session. This development reflects a significant step toward modernizing notarial services in Latvia, enhancing accessibility and efficiency while maintaining rigorous identity verification standards.

notarial acts. Despite notaries being fully equipped, most citizens do not possess electronic signatures, which limits the use of electronic notarial acts. A few years ago, the government introduced electronic ID cards containing a chip, which can include the citizen's electronic signature upon request. Unlike some countries (e.g., Belgium), where electronic signatures are automatically integrated into the national eID system, in Hungary this feature was optional and many citizens chose not to activate it.

The Digital Citizenship program offers citizens a mobile application (for phones or tablets) that stores not only personal identification data but also an electronic signature if the user chooses to register and use the app. This application will serve as Hungary's version of the European Digital Identity Wallet, which is expected to be operational across the EU from 2026. The app is steadily gaining users, meaning that more citizens now have access to their digital signatures. The Hungarian Chamber of Notaries is currently working to enable the simplest and most seamless integration of these electronic signatures with electronic notarial acts. Further details will be announced later. These developments could eventually promote the broader adoption of electronic notarial acts in Hungary. At present, Hungarian legislation does not permit the execution of electronic notarial acts that is, notarial acts conducted via video conference without the physical presence of the client. During the pandemic, limited possibilities existed for remote notarial consultations, but the client was still required to sign the notarial act in person and physically[18].

Hungary has made important legal strides by mandating qualified electronic signatures for all notaries, enabling the creation of electronic notarial acts. However, widespread citizen adoption remains a significant barrier. Unlike countries where electronic signatures are automatically embedded in national eID cards, Hungary's optional activation has limited citizen uptake, restricting the practical use of electronic notarial services. While the Digital Citizenship mobile app promises to improve access and aligns with the upcoming European Digital Identity Wallet, its gradual adoption means that most citizens still lack convenient digital signature options. Moreover, the absence of legal provisions for fully remote electronic notarial acts, such as video conferencing without physical presence, highlights a notable gap in Hungary's digital transformation especially in light of the pandemic's restrictions. Although limited remote consultations were permitted, the requirement for in-person signing undermines the convenience and accessibility that digital solutions aim to provide. The Hungarian Chamber of Notaries' efforts to integrate electronic signatures more seamlessly are promising, but without broader legal reforms and increased citizen adoption, Hungary risks lagging behind other countries in embracing fully electronic notarial services.

[18] ANY Security Printing Company. (n.d.). *New electronic identity card in Hungary.* Retrieved October 20, 2025, from *https://www.any.hu/en/products/documents-e-id/*

3.4. Benelux countries' experience

Following the Covid-19 pandemic, the Chambers of Notaries in Belgium and the Netherlands began actively collaborating with representatives of the digital identification application itsme® to integrate digital identification and signatures into notarial acts. The itsme® app already has 7 million users across the Benelux countries and combines four functions within a single application: users can verify their identity, log into systems, confirm transactions and apply digital signatures to documents. Starting in 2024, electronic signatures will carry the same legal weight as handwritten signatures, enabling fully digital execution of notarial acts, including mortgage loans, business formation and powers of attorney. The e-Depot SOA platform allows notaries to electronically sign and prepare documents. Video conferencing tools and electronic identification services compliant with eIDAS standards, such as the itsme® app simplify notaries' workflows and facilitate the secure performance of electronic notarial acts[19].

The collaboration between the Chambers of Notaries in Belgium and the Netherlands with the itsme® digital identification app represents a significant advancement in digitizing notarial services. Leveraging itsme®'s extensive user base and multifunctional capabilities enhances user convenience and streamlines the authentication process. The legal recognition of electronic signatures as equivalent to handwritten ones from 2024 is a major step toward fully electronic notarial acts, facilitating efficiency in transactions like mortgage loans and business formations. However, despite these innovations, challenges remain. Dependence on a single digital identification app, even a widely adopted one, may raise concerns about inclusivity for users without access to or familiarity with the app. Data privacy and security risks linked to centralized digital identity management also require ongoing vigilance. Additionally, while platforms like e-Depot SOA and compliant video conferencing tools improve workflow, their effective adoption depends on notaries' digital literacy and infrastructure readiness. This model offers a promising blueprint for electronic notarial services but must continue to address accessibility, security and user education to ensure broad, equitable adoption.

4. CURRENT SITUATION REGARDING ELECTRONIC SIGNATURES IN GEORGIA AND REGISTRY

Currently, the State Agency for the Development of Public Services provides qualified electronic services. The process for delivering qualified trusted services is fully governed in accordance with various regulatory, industrial and IT standards. The agency is the only institution in the region fully com-

[19] Itsme®. (2025, March 31). *Royal Dutch Association of civil-law notaries and itsme® collaborate for digital ID and e-signatures.*

pliant with the European Union Regulation on Electronic Identification and Trust Services (eIDAS) and the standards developed by the European Telecommunications Standards Institute (ETSI). Under Georgian legislation, a qualified electronic signature has the same legal force as a handwritten signature. To create a qualified electronic signature, a citizen needs an electronic ID (residence or identity card), a universal program for the electronic ID and a reader device. Information on qualified electronic signature certificates recognized in Georgia and the tools for creating electronic signatures is available in the list of trusted service providers in Georgia (the so-called Trusted List of Georgia). According to the Law of Georgia on Electronic Document and Electronic Trusted Services, an electronic document is a collection of textual, audio, visual, or audiovisual information and/or data stored in electronic form. A notarial act, considered as an electronic textual document stored electronically, requires an appropriate signature to be legally valid.

Georgia is taking its first steps in this process, which is why it is important to draw on the experience of other countries. A Georgian notary is legally required to maintain an electronic notarial registry, which records all notarial acts performed. This registry serves as a database containing the personal data of individuals who receive notarial services and consists of both open and closed internal systems.

The open internal system enables notaries to access information related to all entities involved in notarial activities. Each notary can view the notarial acts registered within this system, regardless of who performed them. It includes:

— The registry of inheritance matters;
— The registry of wills;
— Information on enforcement sheets from the general register.

The openness of the inheritance registry ensures that two different notaries cannot issue inheritance certificates of identical content for the same estate. A notary cannot open inheritance proceedings if the testator's will is already held by another notary. Likewise, multiple writs with identical content cannot be issued for the same property or estate.

Access to the closed internal system is restricted exclusively to the notary who recorded the act. This system includes:

— The general registry (all notarial acts except those listed above);
— The registry of objections to promissory notes and checks;
— The registry of money and securities;
— The registry of resolutions.
— Data Accessibility and Confidentiality

A key issue concerns the form and scope in which data stored in the open internal system may be shared with other notaries or public institutions beyond notarial functions, such as the Public Registry.

On the one hand, a notary is bound by professional secrecy; on the other hand, some outcomes of notarial acts are accessible to fellow notaries and

certain individuals connected with the registry. For example, a notary public, a person who authenticated a will, witnesses, or individuals who signed on behalf of the testator are prohibited from disclosing any information about the will's content, preparation, amendment, or revocation before the estate is opened. Nevertheless, such data may be stored electronically and registration in the notarial registry could potentially reveal the existence or content of a will to others.

Article 27 of the Law of Georgia "On Personal Data Protection" defines data security requirements, emphasizing their conditional and precautionary nature. These provisions highlight the obligation to protect data, as well as mechanisms for responding to data breaches and appointing a Data Protection Officer. Under the new law, both data controllers and processors must ensure that all actions related to data are recorded electronically. This includes incidents, data collection, modification, access, disclosure (transfer), linking and deletion. When data is processed in non-electronic form, controllers and processors must still record all actions involving disclosure or alteration, including incidents.

In the context of the notarial registry, this obligation applies both to the systematic maintenance of the registry and to the execution of notarial acts themselves.

When recording a notarial act in the registry, the following data must be included:

— Date and registration number of the notarial act;
— Name, surname, residence and personal identification number of the participant.
— For minors without an ID: name, surname and date of birth.
— For legal entities: name, legal address and identification code (for residents).
— For other organizational formations: name and location.
— The content of the notarial act;
— The notary's fee.

In inheritance proceedings, additional data such as the deceased's name, date of death and identification information must be recorded. When registering the publication of a will, the testamentary decree, identification data of heirs or substitutes, the executor's name and address, the person entrusted with appointing the executor and legatees (if any) must also be included.

Personal data is indispensable in recording any notarial act, yet different standards of notarial responsibility apply to public and private deeds. This raises the question of whether data protection rules should follow the same dual standard.

A breach of professional secrecy or notarial law has distinct legal consequences compared to a violation of data protection obligations. Data breaches may result from the actions of data subjects, their representatives, other notaries, or public officials outside the notarial sphere. However, they may

also arise within the notary's professional responsibility such as when notarial details are disclosed to unauthorized institutions.

This linkage between data protection and notarial activities underscores the need for a uniform standard of data security, applicable to both public and private deeds.

Regardless of the document's nature, the notary must always ensure data protection. However, when the registry's structure prevents applying a single standard to both types of deeds, the notary faces a complex question of compliance.

A notary is not responsible for the content of a private deed or for failing to accurately reflect the signatory's intent. Still, a serious disciplinary violation occurs when a notary breaches professional secrecy, except in cases provided under Disciplinary Statute. A breach that causes serious consequences is treated as a particularly grave disciplinary offense.

Therefore, violations of data security rules by a notary may not always lead to disciplinary liability this reflects the inherent limits of the current legal framework. Finally, all public institutions were required to align their sub-legal and individual acts on data processing with the new Law of Georgia "On Personal Data Protection" by its effective date. The law came fully into force on June 1, 2024.

A notarial act that is not recorded in the notary electronic registry is considered invalid, except in certain exceptional cases expressly provided by law. Each notarial act is assigned a unique identification number and registered after the notary has signed and sealed the document. The entry into the registry is made either by the notary or by an employee of the notarial bureau acting under the notary's authority and bound by a confidentiality obligation, which equally applies to substitute notaries.

Every registered notarial act must be accompanied by an electronic copy of the deed. The Notary Chamber of Georgia oversees the administration and technical supervision of the electronic registry. Under its agreement with the Chamber, all individuals involved in the registry's administration are legally required to maintain the confidentiality of any information accessed during data processing and they bear full responsibility for breaches of notarial secrecy.

In comparative perspective, the Belgian Data Protection Supervisory Authority has ruled that when a notary, acting as a data controller, mistakenly sends personal data to unintended recipients even if they attempt to recall the message this constitutes a data security breach, not merely a technical error in data processing[20].

A notary or substitute notary must obtain authorization from the Notary Chamber of Georgia to access the electronic registry. The Chamber has the

[20] *Data Protection Authority (Belgium). (2024, April 3). Case No. 52.*

authority to issue, suspend, or terminate this authorization when a notary's professional powers are suspended or revoked. It is also responsible for ensuring data security within the registry, providing training for notaries and their staff and approving technical guidelines governing the operation of the system.

In practice, implementation may vary. Depending on the specific circumstances of data processing, the Notary Chamber of Georgia and individual notaries may function as joint controllers, independent data controllers, or data processors, depending on who determines the purpose and legal basis of data processing. Generally, a notary acts as a data controller, but in specific cases such as under an agreement with the National Public Registry Agency the notary may assume the status of data processor, while the public registry acts as the data controller. In such cases, the notary processes personal data strictly within the limits established by the law and the contractual agreement.

When managing the notary register under their own name, a notary independently processes the personal data of individuals, which clearly identifies the notary as a data controller in relation to the register.

Substitute notaries, notaries employed under contracts and notary assistants are considered to be in an employment relationship with the notary and, therefore, are not classified as data processors. Under data protection principles, a data processor cannot simultaneously be an employee of the data controller. These individuals are not independent controllers but play a crucial supporting role in ensuring the continuity of notarial services, forming part of the internal structure of the notarial bureau. Thus, the notary remains the primary responsible entity within their office.

In comparison, the Polish Data Protection Supervisory Authority has clarified that a notary may act as a data processor only when a specific Article 28 GDPR agreement has been signed with the data controller.

Under the new Law of Georgia "On Personal Data Protection," the Notary Chamber of Georgia, as a public institution, is required to appoint a Data Protection Officer (DPO). According to Article 27(a) of the General Administrative Code of Georgia, an administrative body includes any public institution or private legal entity funded by state or municipal resources. Thus, the Notary Chamber of Georgia, as a legal entity under public law, clearly qualifies as such a body and must appoint a DPO.

A notary, however, though exercising public authority, is not considered a public institution in a formal sense. The obligation to appoint a DPO arises when a controller or processor handles large-scale data processing or systematically monitors individuals. This obligation does not apply to entities processing data of fewer than 3 por cien of the population of Georgia, based on the latest census. As individual notaries are unlikely to reach this threshold, they are currently not required to appoint DPOs. Nonetheless, future legislative changes or shifts in quantitative criteria may introduce this obligation.

From a data security perspective, every data controller must implement appropriate technical and organizational measures to ensure lawful and secure processing and to demonstrate compliance. Therefore, while notaries are not yet individually required to designate DPOs, oversight and general data protection functions can be managed centrally within the Notary Chamber of Georgia.

The following entities are involved in maintaining and managing the notary electronic registry:

— The Notary Chamber of Georgia;
— Individuals contracted by the Chamber for technical management;
— The Chamber's Data Protection Officer;
— Notaries and substitute notaries;
— Notaries employed under contract;
— Notary assistants.

The status, responsibilities and obligations of each must be defined in accordance with the Law of Georgia "On Personal Data Protection", including who qualifies as a data controller, processor, or joint controller.

In Spain, the Data Protection Supervisory Authority found that a notary violated the obligation to inform a client about the purpose of data processing and security measures during a notarial act. The notary's claim that notarial law imposed no such duty was rejected the authority clarified that information transparency must always be ensured, regardless of sector-specific regulations[21].

Similarly, in Italy, the Data Protection Authority ruled that the provider of an electronic notary registry (as the data controller) was liable for unauthorized data processing involving information about individuals' credit obligations. This breach occurred because data was accessed and processed without proper authorization, underscoring that ultimate liability lies with the controller[22].

Every employee involved in data processing whether belonging to a controller or processor is required to operate strictly within the scope of their authority and to preserve data confidentiality, even after their employment ends. Both controllers and processors must define access rights for staff, prevent unauthorized data use and ensure employees are adequately trained in data protection practices.

Technical guidelines may further define individual obligations and authorities within registry management. Although notaries perform public functions independently, the data generated through their activities and citizens' personal information are stored in the central electronic registry. Therefore, even if an individual notary fully complies with data protection rules, this alone cannot guarantee complete data security.

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[21] Data Protection Authority (Spain). (2020, October 23). *Case No. PS/00044.*
[22] Data Protection Authority (Italy). (2024, January 11). *Case No. 9993548.*

The controller and processor must implement organizational and technical safeguards to protect data from loss, unauthorized access, alteration, disclosure, or destruction. To ensure the integrity of the notary electronic registry, its management and functions must be systematically organized and periodically reviewed.

When determining adequate protection measures, controllers and processors must consider the nature, volume and purpose of data processing, as well as potential risks to data subjects. They are also required to periodically evaluate the effectiveness of implemented measures and update them as necessary.

In Belgium, the Data Protection Supervisory Authority concluded that personal data processed in the course of notarial activities may not be transferred to another public authority (such as a registering institution) unless such transfer is explicitly authorized by the data subject. Otherwise, both legal and ethical violations occur[23].

Despite its electronic structure, the current Georgian notary registry does not yet incorporate modern technological capabilities such as automated decision-making or profiling. The system still requires the active participation of a notary in drafting notarial deeds. For this reason, it is vital to enhance automation functions within the electronic registry to strengthen the legality, efficiency and security of data processing in the notarial system[24].

5. DIGITAL INNOVATIONS AND AI IN NOTARIAL PRACTICE

Despite advancing technologies, the role of the notary will not become obsolete or replaceable by technology in the foreseeable future. However, intelligent digital tools could soon be implemented to enhance, streamline and improve notarial work, as well as the functioning of the rule of law. While notaries, lawyers and judges are unlikely to be replaced by AI in the short or medium term, certain aspects of their work can be improved through the use of advanced technology. Digitalization can help relieve notaries and their staff from repetitive, time-consuming and error-prone tasks, but it cannot replace the need for qualified, legal expertise and personalized services. Therefore, fears about the digitalization of law seem exaggerated, but dismissing the potential of digital tools is equally misguided. For the foreseeable future, computers will continue to perform tasks that we assign to them. Consequently, notaries and the rule of law should focus on managing AI effectively rather than fearing it. The true obstacle to the sensible use of AI is not the technology itself, but human errors and mismanagement[25].

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[23] Data Protection Authority (Belgium). (2024, April 3). *Case No. 52*. Data Protection Authority (Belgium). (2021, April 8). *Case No. 48*.

[24] Shengelia, E., & Leonidze, I. (2024). Notary electronic registry and data security. *Journal of Personal Data Protection Law, 1*, 33–34.

[25] Jeep, J. (2019). Notary disrupted – Legal tech und der Rechtsstaat: Chancen und Risiken der KI für den Rechtsstaat im Allgemeinen und den Notarberuf im Besonderen. *Legal Tech, Aufsätze*, 837.

We should distinguish between two cases: when a notary uses AI for personal purposes, either at work or outside of it and when a notary uses AI in the performance of professional duties. This distinction is important because personal use of AI by a notary generally does not raise significant concerns for the Notaries' Chamber. In contrast, professional use of AI presents more serious issues, such as when AI is employed to calculate notary fees for citizens or for other tasks directly affecting clients and notarial services.

The adoption of digital technologies and artificial intelligence (AI) in notarial practice offers significant opportunities to improve efficiency, transparency and accessibility for both notaries and service recipients. One key innovation is the use of chatbots embedded within the official websites of notarial chambers. These systems can be programmed to respond to frequently asked questions, providing citizens with immediate, verified information. The primary purpose of such chatbots is to reduce repetitive inquiries, allowing notaries to focus on their core responsibilities. Importantly, chatbots are informational tools and do not perform notarial acts or replace professional legal consultation. For example, in 2018, the Belgian Chamber of Notaries introduced a chatbot to guide future spouses on prenuptial agreements, providing instant information while ensuring the notary remains the authoritative source for legal decisions.

Applications for Information Classification and Legislative Updates play a critical role in modern notarial practice. Digital dashboards and automated systems allow notaries to track legislative changes in real time, identify affected legal documents and update notarial acts accordingly. While AI can assist in analyzing documents, detecting risks and checking compliance, all information provided must be verified by the notary. Similarly, information comparison applications support notaries in verifying data across multiple sources, such as business registries or multilingual documents, ensuring accuracy and reliability while mitigating risks related to personal data processing. Examples include notary search systems in Latvia, Estonia, Lithuania and Georgia.

AI-Assisted Archival Data Analysis further enhances efficiency by facilitating the organization, retrieval and verification of historical notarial records. These tools help maintain continuity of service, even if a notary's authority is suspended or transferred and improve indexing and classification of sensitive personal data. Semantic Search Engines (SSEs) and other AI tools enable fast retrieval of documents and clauses based on context, not just keywords, while ensuring AI outputs are treated as supportive rather than definitive.

Facial Recognition and Real-Time Verification Technologies are increasingly relevant for remote notarial acts, allowing for electronic identification and fraud prevention. These systems can detect identity impersonation, including cases of biological twins or disguises, though notaries must still apply additional verification measures. Similarly, suspicious transaction detection applications allow notaries to identify unusual patterns in property transfers

or financial operations, although excessive reliance on AI may carry risks of bias or misclassification.

Blockchain Technology represents one of the most promising innovations for notarial services. By providing immutable records, secure data transmission and enhanced protection against forgery, blockchain can improve transparency and efficiency in document management and may partially replace traditional registries in the future[26]. The National Agency of Public Registry in Georgia, for example, has explored blockchain for document searches.

Personal Data Protection remains a central concern in all digital innovations. Notarial service recipients, as data subjects, have rights to access, correct, delete, restrict, transfer and lodge complaints regarding their data. The rapid integration of new technologies increases the need for notaries to remain informed about international standards and recommendations. In 2024, the European Data Protection Board (EDPB) issued guidance on AI and personal data, emphasizing harmonized data protection, transparency and risk mitigation[27]. Key considerations include the nature of the relationship between the data subject and data controller, the source of data and the user's expectations regarding their data. In 2025, the EDPB released guidance on blockchain-based data processing, stressing secure data handling, technical and organizational safeguards and compliance with core principles, including the necessity of a Data Protection Impact Assessment (DPIA) for high-risk processing[28].

Digital tools, AI and blockchain technologies offer transformative potential for notarial services, enhancing efficiency, accessibility and reliability. These innovations must be integrated thoughtfully, with robust legal frameworks, data protection safeguards and clear limits on the role of technology in decision-making, ensuring that notaries remain the primary and accountable providers of legal acts and services[29].

On one hand, there is a real risk of compromising the core professional principles of notaries. On the other hand, artificial intelligence (AI) has the potential to enhance these fundamental values. AI can improve the quality of notarial services and make them more accessible. In fact, as AI reinforces the professional values of notaries, its use may soon become essential, rather than optional, in notarial practice. This would align with the broader digital transformation of public services. Therefore, raising awareness about AI among notaries is critical.

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[26] Comp. International Bar Association, & Center for AI and Digital Policy. (2024, September). *The future is now: Artificial intelligence and the legal profession* (pp. 12–13).

[27] European Data Protection Board. (2024). *EDPB opinion on AI models: GDPR principles support responsible AI. https://edpb.europa.eu*

[28] European Data Protection Board. (2025). *Certification, blockchain and AI: EDPB adopts new documents at its latest plenary session.*

[29] See: Jackowski, M., & Araszkiewicz, M. (Eds.). (2024). *First global report on the state of artificial intelligence in legal practice* (p. 123); Aksharha, G. J., Shruthi, I., & Rubikka, S. (2024). Artificial intelligence and the legal profession. *International Journal of Legal Science and Innovation, 6*(4), 546.

To implement AI effectively, the Notaries' Chamber should take a leading role. It can develop practical guidelines and recommendations and initiate actions to implement AI systems. Additionally, the Chamber should propose legislative amendments that reflect modern innovations and mitigate the risks associated with AI. Collaboration with AI system providers will also be crucial to ensure the smooth application of relevant technologies. The integration of digital technologies, particularly AI, demands high standards for data security. Notaries handle large amounts of sensitive information, so secure IT infrastructure, data encryption and adherence to established standards are paramount.

When adopting AI, it is essential to thoroughly evaluate its technical characteristics, including how the system is structured and how it ensures the integrity of the data it processes. It is not enough to confirm that a technology is legally permissible an in-depth review of its technical specifications is necessary.

AI systems are vulnerable to cyberattacks, which could lead to malfunctions or inaccurate, misleading outcomes. Notaries lack the ability to independently ensure the proper functioning of AI software. Therefore, the Notaries' Chamber should actively engage in the development of the notarial registry and collaborate with AI providers, the Ministry of Justice of Georgia, the National Agency for Service Development, the Digital Governance Agency and other relevant institutions.

The Notaries' Chamber's role primarily involves improving the notarial registry, but it also includes working with other authorities to develop shared digital services and databases. Cybersecurity must be addressed at every stage of this process. Notaries should avoid using applications whose origin is unknown. If they must use such applications, they must carefully assess the type of data entered, ensuring that confidential information is not shared inappropriately—especially in applications like machine translation tools, where protecting sensitive data is a professional obligation[30].

Notaries and the Notaries' Chamber must ensure that artificial intelligence (AI) is integrated into notarial practice in compliance with core legal and ethical standards. AI applications should be designed to avoid discriminatory outcomes and meet all relevant legal requirements for data processing. Personal data should only be used for its original purpose and clients must be informed whenever AI processes their data.

During AI system development, anonymized data should be prioritized, especially for algorithm testing and clear policies should be in place for the secure storage and management of personal data. Notaries are responsible for ensuring the accuracy of information provided to AI systems to guarantee

[30] Walree, T. F., Reijneveld, M. D., Wolters, P. T. J., & Roes, J. S. L. A. W. B. (2023). *AI in the notarial profession: An exploration of the opportunities, risks, and legal conditions of the development and use of AI in the notarial profession* (External research report).

correct outcomes. They must also inform clients about their rights and the safeguards in place when their data is processed.

While AI can support decision-making, notaries should not rely solely on AI outputs and must retain full control over notarial acts. Notaries must understand how AI systems function and any actions taken with AI assistance must be properly documented, with decisions clearly justified. Additionally, notaries and the Notaries' Chamber should be ready for future legal changes related to AI and ensure compliance with national and international laws. Throughout this process, AI must not compromise the key professional principles of notarial independence, impartiality and diligence.

6. CONCLUSION

The integration of digital technologies, artificial intelligence and blockchain into notarial practice heralds a transformative era for the profession. These innovations promise greater efficiency, transparency and accessibility, enabling notaries to streamline routine processes, improve data accuracy and provide more responsive services to citizens. Yet, the adoption of such technologies must be carefully calibrated: legal certainty, data protection and professional accountability remain paramount. Technology should serve as an empowering tool rather than a substitute for the notary's expertise and judgment.

By embracing innovative systems while upholding ethical standards and regulatory compliance, notaries can create a resilient, future-ready framework for digital services—one that balances operational efficiency with trust, security and the protection of citizens' rights. It is obvious that we already live in a new reality where AI plays a huge role in people's lives. That is why notaries should not shy away from this development and should be at the forefront of the concept before it becomes a problem for us.

The first main step toward using AI in the notary system is improving the notary registry and making these databases more compatible with AI tools. This will help notaries become familiar with these tools and ensure a safer way of using them. This means that we should begin considering not just paper-based services, but also electronic ones. Digital notary acts represent the future of Latin-based notary systems. AI and digital notary acts must ensure the safety and reliability of notary services.

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