

## Technology Trust Fund (TTF)

Code of Virginia  
§ 17.1-279 (excerpt)

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 civil 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.

### Compensation Board Policy

**A primary purpose of the TTF fee is to generate funds for Clerks to automate land records and provide secure remote access to land records' images on or before July 1, 2008.**

**Annually in August, Clerks request to budget TTF monies in the current fiscal year or carryover TTF funds to a subsequent year.**

Annually in March, the Compensation Board provides to Clerks a TTF revenue estimate for the upcoming fiscal year as part of the annual budget estimates. The FY10 TTF Revenue Estimates by locality is located on the Compensation Board website at <http://www.scb.virginia.gov> under Constitutional Officers Budgets and Salaries, current year budget estimates. Choose your locality and then select "Clerks Technology Trust Fund Revenue Estimate".

In August, Clerks may budget some or all of their TTF \$4 available balance for equipment and services, or carryover TTF \$4 monies to a subsequent fiscal year. Budget requests from TTF cannot exceed deposits into the trust fund credited to that locality. Clerks may also request additional TTF \$4 monies mid-year (not to exceed their \$4 available balance).

Instructions for TTF budgeting are located in the FY10 TTF Budget Request Manual, available in late July 2009 and located at <http://www.scb.virginia.gov> under Land Records Technology.

The TTF FY09 financial statement, FY09 progress survey, FY10 certification for secure remote access, and FY10 \$4 and \$1 Fund budgets may be found in the FY09 TTF Progress Report, available December 1, 2009 and located the Compensation Board website at <http://www.scb.virginia.gov> under Land Records Technology.

## TTF: \$4 Budgeting

### Code of Virginia § 17.1-279 (excerpt)

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 pursuant to § 17.1-294; (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, land records consulting services, service contracts, redaction of social security numbers from land records, and system replacements or 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 provide secure remote access to those land records on or before July 1, 2008.

### Compensation Board Policy

**The State Treasurer holds in trust TTF revenues, collected and deposited by each Clerk's office. The Compensation Board is responsible for allocation of TTF monies. Clerks make annual budget requests to the Compensation Board for technology equipment and services out of their TTF \$4 available balance.**

The \$4 portion of TTF collections are reserved for the purchase of equipment and services to modernize land records and provide secure remote access in respective Clerks' offices. The Code of Virginia provides six purposes for use of TTF moneys in § 17.1-279. The purpose codes (taken directly from the Code of Virginia) are:

- Bi Developing and updating individual land records automation plans for individual Circuit Court Clerks' offices;
- Bii Implementing automation plans to modernize land records in individual Circuit Court Clerks' offices and provide secure remote access to land records throughout the Commonwealth;
- Biii Obtaining and updating office automation and information technology equipment including software and conversion services;
- Biv Preserving, maintaining, and enhancing court records, including but not limited to, the costs of repairs, maintenance, land records consulting services, service contracts, redaction of social security numbers from land records, and system replacements or upgrades;
- Bv Improving public access to court records; and
- F Automation and technology improvements in his/her office that are not related to land records.

In order to request \$4 monies, the Clerk must submit to the Compensation Board a written certification that the proposed technology improvements of his/her land records provided secure remote access to land records' images on or before July 1, 2008. This certification is built into the TTF COIN budgeting process.

## TTF: \$1 Fund

Code of Virginia  
§ 17.1-279 (excerpt)

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, 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 provide secure remote access to those land records on or before July 1, 2008.

### Compensation Board Policy

**The State Treasurer holds in trust TTF revenues, collected and deposited by each Clerk's office. The Compensation Board is responsible for allocation of TTF monies. Clerks whose deposits into the trust fund would not be sufficient to implement technology automation are given priority by the Compensation Board in \$1 funding approvals.**

The Code of Virginia allows priority for allocation of \$1 funds to individual Clerks' offices whose deposits into the TTF (\$4 available balance) are not sufficient to implement its modernization plan.

In order to request \$1 Fund monies, the Clerk must submit to the Compensation Board a written certification that the proposed technology improvements of his/her land records provided secure remote access to land records' images on or before July 1, 2008. This certification is built into the TTF COIN budgeting process.

The \$1 Fund is not available to Clerks who make a Purpose Code F request (areas of the court not related to land records) from their \$4 available balance.

## TTF: Certifications

Code of Virginia  
§ 17.1-279 (excerpt)

B. 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 provide secure remote access to those land records on or before July 1, 2008.

D. 1. 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 secure remote access standards developed by the Virginia Information Technologies Agency pursuant to § [17.1-294](#) shall be certified by the individual circuit court clerks' offices to the Compensation Board. 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 secure remote access standards or redaction of social security numbers from land records.

### Compensation Board Policy

**Every Clerk must certify to whether or not they are currently providing secure remote access to land records and compliance with VITA's security standard to land records.**

Every Clerk must submit to the Compensation Board a written certification that the technology improvements proposed in his/her TTF budget provided secure remote access to land records on or before July 1, 2008. This certification is built into the TTF COIN budgeting process.

Each Clerk must also certify compliance with the security standards developed by the Virginia Information Technologies Agency (VITA) to the Compensation Board. The *Security Standards for Remote Access to Court Documents on Court-Controlled Websites* (ITRM Security SEC503-02), dated March 28, 2005, located at [http://www.vita.virginia.gov/docs/psg/Rem\\_Accs\\_Docs\\_on\\_Crt-Contrd\\_Webs-revision1.pdf](http://www.vita.virginia.gov/docs/psg/Rem_Accs_Docs_on_Crt-Contrd_Webs-revision1.pdf).

## TTF: Equipment Surplus

### Compensation Board Policy

**Any proceeds derived from the sale of surplus equipment purchased by Technology Trust Fund (TTF) funds are kept locally, but must be used to offset any reimbursement request for TTF expenditures.**

When new or replacement equipment is purchased using TTF funding, the Clerk may only request reimbursement from the Compensation Board for the net amount (cost of new equipment minus proceeds of the surplus equipment).

## TTF: Land Records

### Compensation Board Policy

**Technology improvements of land records, including the provision of secure remote access of electronic land records, is a priority of the Technology Trust Fund.**

The Compensation Board considers land records to be:

- Deeds and deeds of trust;
- Plats and maps;
- Judgments and liens;
- Financing statements; and
- Wills and fiduciary.

Types of court records not related to land records (Purpose Code F) are:

- Marriage licenses;
- Civil case records and management systems;
- Criminal case records and management systems; and
- Jury management systems.

### Code of Virginia § 17.1-292 (excerpt)

B. Land records means any writing authorized by law to be recorded on paper or in electronic format that the clerk records affecting title to real property, including but not limited to instruments, orders, or any other writings recorded under this title.

### § 17.1-295 (excerpt)

Electronic recording of land records means the networks or systems maintained by a clerk of the circuit court, or the clerk's designated application services providers, for the submittal of instruments for electronic filing of land records in accordance with the Uniform Real Property Electronic Recording Act (§ [55-142.10](#) et seq.) and the provisions of Article 2.1 (§ [55-66.8](#) et seq.) of Chapter 4 of Title 55 regarding the satisfaction of mortgages.

Public access means that the clerk of the circuit court has made available to subscribers that are other than governmental agencies, secure remote access to land records maintained by the clerk in accordance with § [17.1-294](#).

## TTF: Purpose Code F Requests

Code of Virginia  
§ 17.1-279 (excerpt)

F. If a circuit court clerk provides secure remote access to land records on or before July 1, 2008, then that clerk may apply to the Compensation Board for an allocation from the Technology Trust Fund for automation and technology improvements in his office that are not related to land records. If such an application includes automation or technology improvements that would require an interface with the case management system or the financial management system operated and maintained by the Executive Secretary of the Supreme Court for the purpose of providing electronic information to state agencies in accordance with § [17.1-502](#), the circuit court clerk, or the court's designated application service provider, shall certify to the Compensation Board that such automation or technology improvements will comply with the security and data standards of the systems operated and maintained by the Executive Secretary of the Supreme Court. Such request shall not exceed the deposits into the trust fund credited to that locality.

### Compensation Board Policy

**If a Clerk has provided secure remote access to land records, that Clerk may use TTF moneys for automation and technology improvements in his/her office that are not related to land records.**

If a Clerk has certified to currently providing secure remote access, that Clerk may make an equipment and/or services request from TTF for automation and technology improvements in his office that are not related to land records.

These other requests may not exceed the deposits into the fund credited to that locality; therefore, Purpose Code F requests may only be funded through \$4 money. The \$1 Fund may not finance Purpose Code F requests. If a Clerk makes a Purpose Code F request from their \$4 available balance the \$1 Fund is not available to them for the entire fiscal year.

The [Code of Virginia](#), § 17.1-502, The Executive Secretary of the Supreme Court shall be the administrator of the circuit court system, which shall include responsibility for the operation and maintenance of a case management system and financial management system, and related technology improvements, that the Executive Secretary shall deem necessary for the administration of the circuit court system. The Executive Secretary shall permit an interface with the case management system, financial management system, and related technology improvements for the purpose of providing electronic information to state agencies, upon request of any circuit court that uses automation or technology improvements provided by a private vendor or the locality. The circuit court clerk and the clerk's designated application service provider shall comply with the security and data standards established by the Executive Secretary for any such interface between a case management or financial management system operated by a circuit court clerk and the systems of the Executive Secretary. The costs of designing, implementing, and maintaining any such interface with the systems of the Executive Secretary shall be the responsibility of the circuit court clerk. Any expenses incurred within the office of the Executive Secretary, not to exceed \$104,280, related to the operation and maintenance of such interfaces with the case management system and financial management system shall be reimbursed through the Technology Trust Fund established pursuant to subsection A of § [17.1-279](#). The Executive Secretary shall assist the chief judges in the performance of their administrative duties. He may employ such staff and other assistants, from state funds appropriated to him for the purpose, as may be necessary to carry out his duties, and may secure such office space as may be requisite, to be located in an appropriate place to be selected by the Executive Secretary.

## TTF: Redaction of Social Security Numbers

### Code of Virginia § 17.1-279 (excerpt)

D. 2. If a circuit court clerk proceeds to accelerate the redaction of social security numbers from land records using local funds, the clerk may request reimbursement for such expenditures from the Technology Trust Fund in accordance with clause (iv) of subsection B to provide reimbursement to the locality for advancing such funds in the fiscal year in which such local expenditures are incurred.

### § 17.1-294 (excerpt)

B. 1. Beginning July 1, 2012, any land record made available to subscribers via secure remote access may contain only the last four digits of the social security number of any party.  
2. However, the original land 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.

### Compensation Board Policy

**Redaction of social security numbers from electronic land records shall be completed by July 1, 2012.**

The Compensation Board follows redaction recommendations from the Methods for the Redaction of Social Security Numbers from Electronic Land Record Documents Report (October 2006) by the VITA Redaction Workgroup.

1. Method. The recommended redaction method the OCR (Optical Character Recognition) software plus one manual review by a trained technician who provides a quality control measure. The Compensation Board has termed this method: OCR + 1X. This method applies to both back-file (historical) redaction and day-forward redaction.
2. Cost. The estimated average cost of OCR + 1X method of redaction is 4 cents or less per image. The same cost applies to day-forward redaction services.
3. Accuracy. The Workgroup applied a 95% or better accuracy rate for the OCR + 1X redaction method. Ask your redaction vendor to guarantee an accuracy rate for the OCR + 1X redaction method.
4. Span of Years. Back-file redaction covers the period of January 1935 to the present.
5. Flagged Images. Ask your vendor if the manual review is applied to only flagged images or if every image is reviewed by the human eye.
6. Copies versus Originals. Redaction should never result in the permanent removal of text from the original document, only copies (images) of original documents.
7. Sub-Contracts and Out-Sourcing. Ask if the redaction services are sub-contracted out or out-sourced to a foreign company or a company operating outside the U.S.

The Code of Virginia, § 17.1-294, includes an enactment clause in reference to the redaction of social security numbers:

That any clerk of a circuit court may engage a vendor to redact social security numbers from all land records made available via secure remote access pursuant to § 17.1-294 of the Code of Virginia, using a software redaction system, for records beginning January 1, 1935, to the date of the redaction, and that the redaction shall be completed on or before July 1, 2012.

## TTF: Reimbursement of Expenditures

Code of Virginia  
§ 15.2-827

No money shall be drawn from the county treasury, nor shall any obligation for the expenditure of money be incurred, except in pursuance of a legally enacted appropriation resolution, or legally enacted supplement thereto passed by the board. Accounts shall be kept for each item of appropriation made by the board. Each such account shall show in detail the appropriation made thereto, the amount drawn thereon, the unpaid obligations charged against it, and the unencumbered balance in the appropriation account, properly chargeable, sufficient to meet the obligation entailed by contract, agreement or order.

§ 15.2-1636.13 (excerpt)

A. The expenses and other allowances of office within the limits fixed by the Board shall be paid monthly on the submission of satisfactory evidence that such expenses and other allowances were actually incurred. All counties and cities shall pay the entire amount of such salaries, expenses, and other allowances and, upon notification to the Board, the Commonwealth shall reimburse all such counties and cities for the Commonwealth's proportionate share of such salaries, compensation, benefits under § 51.1-1387, and other expense allowances.

### Compensation Board Policy

**TTF is a reimbursement system. The Clerk makes the purchase; the local government pays the expenditure and only then does the Clerk seek reimbursement for the locality from the Compensation Board.**

TTF is no different than your monthly office expenses reimbursement process. The Code of Virginia provides that the local governing body must first appropriate all funds for expenditure, the expense is incurred, the locality pays the expenditure and then reimbursement is requested from the Commonwealth, in that order. A Clerk may not receive reimbursement for budgeted funds before actually incurring the expense of those purchases.

Upon making a reimbursement request in COIN, the Clerk must certify that expenditures listed are those actually incurred in the conduct of official business of the Clerk of the court for the month rendered and that invoices covering these expenditures have been submitted to the Board of Supervisors or their authorized agent for payment. The locality representative must also certify that expenditures have been verified and approved by the Board of Supervisors or authorized for payment.

## TTF: Secure Remote Access (SRA)

### Code of Virginia § 17.1-279 (excerpt)

D.3. Every circuit court clerk shall provide secure remote access to land records pursuant to § 17.1-294 on or before July 1, 2008.

B. and C. 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 provide secure remote access to those land records on or before July 1, 2008.

### § 17.1-294 (excerpt)

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 user of land and other court records.

D. The circuit court clerk 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.

### Compensation Board Policy

**The 2007 General Assembly set the deadline for Circuit Court Clerks to provide SRA to land records on or before July 1, 2008.**

**Clerks must submit to the Compensation Board a written certification that the Clerk's proposed technology improvements of his land records provided SRA to those land records on or before July 1, 2008.**

The Code of Virginia, § 17.1-295, defines SRA as public access by electronic means on a network or system to land records maintained by the clerk of the circuit court or the clerk's designated application service providers, in compliance with the Secure Remote Access Standards developed by the Virginia Information Technologies Agency.

Subscriber is defined as any person who has entered into a subscriber agreement with the clerk of the circuit court authorizing the subscriber to have SRA to land records maintained by the clerk or the clerk's designated application services providers. If the subscriber is an entity with more than one person who will use the network or system to access land records maintained by the clerk, or the clerk's designated application services providers, each individual user shall execute a subscriber agreement and obtain a separate "user id" and "password" from the clerk. The subscriber is responsible for the fees due under this title and the proper use of the SRA system pursuant to the subscriber agreement, applicable Virginia law, and Secure Remote Access Standards developed by the Virginia Information Technologies Agency.

Clerks must provide an annual written certification of SRA to the Compensation Board. When a Clerk certifies to providing SRA, ALL of the following is true:

- The Clerk's technology vendor has established a website or system in compliance with the security standards established by the Virginia Information Technologies Agency (VITA) for the purpose of providing SRA to land records' images.
- The Clerk has established a process whereby the public (non-governmental entity or individual) may register for subscription to SRA, and if approved by the Clerk, sign a subscription agreement, may pay a subscription fee and receive a security password(s) for remote access to electronic land records.
- The Clerk has accepted / is willing to accept public subscribers to SRA.
- The Clerk has made the public aware of the availability of SRA to land records (as appropriate).

The Code of Virginia, § 20121.03, gives authority to the Clerk to reject any petition, pleading, motion, agreement, order, or decree for recordation as a land record that does not comply with the provisions of this section.