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Notary Electronic Registry and Data Security

Starting from March 1, 2024, with the implementation of the Law of Georgia “On Personal Data Protection,” the updated regulations governing database management and security have gained particular significance. Legislative and institutional developments emphasize the necessity of examining the operation of the notary electronic registry to determine the obligations of notaries in relation to personal data processing, as well as the potential legal consequences of breaches in data security.

Keywords: *Personal Data Protection Service, notary electronic registry, Notary Chamber of Georgia, notary, data security.*

1. Introduction

The new Law of Georgia “On Personal Data Protection” has established a significant legal framework for data protection in Georgia, aligning with the European Union's General Data Protection Regulation (GDPR). This framework ensures the protection of fundamental human rights and freedoms, including the rights to privacy, personal space, and communication, during the processing of personal data.¹

As a public law entity, the Notary Chamber of Georgia—an association of notaries operating on the principle of self-governance and based on mandatory notary membership²—has assumed a central role in these legal innovations. Given that the notary electronic registry enables the Notary Chamber and individual notaries to process personal data for specific purposes, it is considered an integral component of notarial services and must adhere to data security requirements.

The purpose of this study is to assess the conditions under which the personal data of individuals are processed within the notary electronic registry, evaluate its compliance with the provisions of the Law of Georgia “On Personal Data Protection,” and examine the innovations implemented in notary registries by member states of the Council of Notaries of the European Union.

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¹ Law of Georgia “On Personal Data Protection”, 14/06/2023, Article 1. Also, see Bernstorff N., European Union “Data Protection Law”, *Journal of Personal Data Protection Law*, No. 2, 2023, 14-15.

² Law of Georgia on Notaries 04/12/2009, Article 4.

2. Types of Notary Electronic Registry

A notary is required to maintain a notarial registry, in which all notarial acts performed are recorded.³ This registry serves as a database of the personal data of individuals receiving notarial services and includes both open and closed internal systems⁴. In the course of their professional duties, a notary processes personal data in accordance with the principles and legal grounds of data processing, including the handling of special categories of data and personal data of minors.

The function of the open internal system allows notaries to access data related to entities involved in notarial activities. All notaries have access to the notarial acts registered therein, regardless of which notary performed the act, including:

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

The openness of the registry of inheritance matters is necessary to prevent two different notaries from issuing inheritance certificates of similar content for the same estate. A notary cannot open the estate to legal heirs if the will of the heir is already held by another notary. Additionally, multiple writs of identical content cannot be issued for real estate, among other things.

Conversely, access to the closed internal system is restricted solely to the notary who performed the act recorded in the register. This system includes:

- The general registry, which records all notarial acts, except for those mentioned above;
- The registry of objections to promissory notes and checks;
- The registry of money and securities;
- The registry of resolutions.

A key issue under discussion is in which form the data stored in the open internal system should be made available to other notaries and public institutions beyond the scope of notarial activities, such as the public registry. On the one hand, the notary is bound by a duty of professional secrecy; on the other hand, certain actions and results of the notary's work are accessible to fellow notaries and individuals connected with the registry. For instance, a notary public, another person who authenticated the will, a witness, or individuals who signed the will on behalf of the testator are prohibited from disclosing information related to the will's content, its preparation, modification, or revocation before the opening of the estate⁵. However, this information/personal data may be stored electronically. Registration in the notary registry can reveal the existence and content of a will and potentially expose it to other individuals.

Article 27 of the Law of Georgia "On Personal Data Protection" sets forth data security requirements. These requirements are conditional in nature and underscore the importance of data protection. However, the enforcement of these conditions and the legal

³ Compere: European Commission for the Efficiency of Justice, Working Group on the Evaluation of Judicial Systems, Specific Study of the CEPEJ on the Legal Professions: Notaries – 2018, Notaries of Europe (CNUe),

⁴ Order of the Minister of Justice of Georgia "On approval of the instruction on the procedure for performing notarial acts", 31/03/2010, Article 33.

⁵ Civil Code of Georgia, 26/06/1997, Article 1363.

consequences of data insecurity during notarial activities are marked by certain distinct characteristics. Notably, the updated regulations on data security highlight the mechanisms for responding to data breaches and the obligation to appoint a data protection officer.⁶

Under the new law, the data controller and the data processor are required to ensure that all actions performed on data are recorded in electronic form. This includes information on incidents, data collection, modification, access, disclosure (transfer), connection, and deletion. When data is processed in non-electronic form, the controller and processor must record all actions related to the disclosure and/or alteration of data, including incidents.⁷ In the context of the notary registry, this requirement pertains both to the overall responsibility for the systematic operation of the register and specifically to the performance of notarial activities.⁸

When recording a notarial act in the notary registry, it is mandatory to provide the following data:

- The date and registration number of the notarial act;
- The name, surname, place of residence, and personal identification number of the participant in the notarial act. For a minor without an identity document, the name, surname, and date of birth are recorded. For a legal entity, the name, legal address, and identification code (for resident legal entities) must be included. For other organizational formations, the name and location are required.
- The content of the notarial act;
- The notary fee.

In inheritance proceedings, the heir's name, date of death, and identification data are also required. For the registration of a protocol regarding the publication of a will, the content of the testamentary decree, identification data of the heir or alternate heir, the name and surname of the executor named in the will, their place of residence, other identification data, as well as the name and surname of the person entrusted with appointing the executor, and information on the legatee (if applicable) are to be provided.

As observed, the indication of personal data is essential for registering an action in the notary register, yet a different standard of notarial responsibility applies to public and private deeds. This raises the question of whether a similar regulatory approach can be applied to data protection requirements. On one hand, there are legal consequences related to the breach of notarial professional secrecy or violations of notarial law, while on the other, there are legal consequences arising from violations of data security.

It is possible that a data security breach may result from the actions of data subjects, their representatives, other notaries, or employees of public institutions outside the notarial sphere. Alternatively, such breaches could fall within the scope of the notary's professional responsibility. For example, if details of a notarial act are disclosed to another public institution, data security is compromised. In this case, the notary follows notarial legislation, thereby linking data security issues to notarial activities, particularly with respect to the

⁶ Regarding the development of databases, see: 2022 report on the activities of the Personal Data Protection Service, 96; 2023 report on the activities of the Personal Data Protection Service, 52-53.

⁷ Law of Georgia "On Personal Data Protection", 14/06/2023, Article 27, Paragraph 4. Also, incl. *Wudarski A., Sirdadze L.*, Registry jungle in the 21st century, *Georgian-German Journal of Comparative Law*, No. 6, 2020, 22

⁸ See Recommendations of the Personal Data Protection Service for Public Institutions on Issuing/Updating Interdepartmental Legal Acts for Compatibility with the Law of Georgia "On Personal Data Protection", 2023, 1-2.

handling of public and private deeds.⁹ This underscores the need for establishing a uniform standard for data security.

Regardless of whether a public or private deed is involved, the notary must adhere to the general rule of ensuring data security. However, if the notary register does not allow for the application of a common standard to both public and private deeds, how should the notary proceed in such instances?

The notary is not liable for the non-compliance of a private deed with the law or for failing to adequately reflect the will of the signatory in a private deed.¹⁰ A notary (or substitute) commits a serious disciplinary offense if they breach the obligation of professional secrecy, except for cases provided under subsection “b” of Article 7¹¹ of the Disciplinary Statute. This statute stipulates that a violation of professional secrecy that results in serious consequences is considered a particularly serious disciplinary offense. Consequently, a violation of data security rules by a notary may not necessarily result in professional liability, which is a natural outcome of the legal framework.

It is also important to note that public institutions were directed to align the terms related to data processing in their sub-legal normative acts and individual legal acts with the new Law of Georgia “On Personal Data Protection” by the time of its implementation¹². From June 1, 2024, the law came into full effect.

3. Production of Notary Electronic Registry and Data Security

A notarial act that is not registered in the notary registry is deemed invalid, except in certain exceptional cases provided by law¹³. Each notarial act is assigned a unique number and is registered after the notary has signed and sealed the document¹⁴. The entry in the notary registry is made by the notary or an employee of the notary bureau acting on their behalf, who is contractually bound to maintain the confidentiality of the notarial act. This obligation also applies to a substitute notary public.¹⁵

When a notarial act is registered in the notary registry, it must be accompanied by an electronic copy of the notarial deed.¹⁶

The administration and technical supervision of the notary electronic registry is overseen by the Notary Chamber of Georgia. In accordance with the agreement signed with the Chamber, those responsible for the administration and technical supervision of the notary

⁹ Order of the Minister of Justice of Georgia “On approval of the instruction on the procedure for performing notarial actions”, 31/03/2010, Article 15.

¹⁰ Order of the Minister of Justice of Georgia “On approval of the instruction on the procedure for performing notarial actions”, 31/03/2010, Article 15.

¹¹ see Order No. 69 of the Minister of Justice of Georgia “On the approval of the regulation “On Disciplinary Responsibility of Notaries”, 31/03/2010

¹² Guidelines of the Personal Data Protection Service, recommendations for public institutions on issuing/updating intra-departmental legal acts for compatibility with the Law of Georgia “On Personal Data Protection”, 2023, 2.

¹³ See *Kharitonashvili N.*, Conference “Digitalization of German and Georgian Notary”, *Georgian-German Journal of Comparative Law*, No. 4, 2023, 88-89.

¹⁴ Compere: *European Judicial Systems Efficiency and Quality of Justice, Specific Study of the CEPEJ*, Council of Europe, №26, 2018, 220.

¹⁵ Law of Georgia on Notaries, 04/12/2009, Article 24.

¹⁶ Compere: *Kharitonashvili N.*, *Digitization of the Georgian Notary*, *Georgian-German Journal of Comparative Law*, No. 6, 2023, 149.

registry are obligated to maintain the confidentiality of any information obtained during the data processing. Therefore, they are accountable for any breaches of notarial secrecy.¹⁷

In comparison, the Belgian Data Protection Supervisory Authority, in a specific case, emphasized that a notary, as the data controller, mistakenly sending personal data to the email address of unintended recipients and then attempting to recall the messages, constitutes a data security breach. This was considered a violation of data security rather than a technical flaw in data processing.¹⁸

A notary or a substitute notary must apply to the Notary Chamber of Georgia for authorization to access the notary register. The Notary Chamber of Georgia is responsible for issuing, suspending, or terminating the authorization for access to the notary register when a notary's authority is suspended or terminated. The Chamber ensures the security and protection of the data in the notary register, including the training of notaries (and their substitutes) as well as their hired employees on the proper use of the notary register. It also approves the technical instructions for the operation of the notary register¹⁹. While this is a legal requirement, in practice, its implementation may vary. The Notary Chamber of Georgia and notaries, in cooperation with one another and depending on specific cases, can be considered as joint controllers²⁰, data controllers, or data processors, depending on how the purposes and grounds of data processing are determined by these entities or individuals. It is also important to note that, generally, a notary is the data controller. However, in smaller cases, the notary may assume the status of a data processor in relation to the Notary Chamber of Georgia or another public institution. For instance, under the agreement between a notary and the National Public Registry Agency, the notary is assigned the role of data processor, while the public registry serves as the data controller. In such cases, the notary, as a data processor, is responsible for processing personal data only within the limits prescribed by the agreement and the law.

As for the notary register, the notary manages it under their own name and independently processes the personal data of individuals within the register. Therefore, in relation to the notary register, the notary is the data controller.

Substitute notaries, notaries employed under an employment contract, and notary assistants are in an employment relationship with the notary and thus are not considered data processors, as the data processor should not be in an employment relationship with the data controller²¹. These individuals are not data controllers themselves but play a crucial role in ensuring the continuity of notarial activities and form part of the staff of the notarial office²². In this context, the notary holds the leading status within the notarial bureau.

For comparison, the Polish Data Protection Supervisory Authority has clarified that a notary may act as a data processor when performing notarial duties if they have signed an

¹⁷ See: Recommendation of the Personal Data Protection Service "On the Principles of Personal Data Processing", 2024, 29; Recommendation of the Personal Data Protection Service "On the implementation of measures related to the incident", 2024, 5-6.

¹⁸ Case of the Data Protection Authority (Belgium) №52, 03/04/2024.

¹⁹ Compere: *Asvanua N.*, Personal data protection mechanisms, Tb., 2023, 39-40.

²⁰ Compere: *Kuner C., Bygrave L. A., Docksey C.*, the EU General Data Protection Regulation (GDPR) – a Commentary, Oxford University Press, Oxford, 2020, 25-27.

²¹ Law of Georgia "On Personal Data Protection", 14/06/2023, Article 3.

²² Compere: European Commission for the Efficiency of Justice, Study on the Functioning of Judicial Systems in the EU Member States, Specific Study on the Facts and Figures from the CEPEJ Questionnaires 2012 to 2020, Strasbourg, 2022, 899-900.

agreement with the data controller in accordance with Article 28 of the EU General Data Protection Regulation (GDPR).²³

Under the new Law of Georgia “On Personal Data Protection,” the Notary Chamber of Georgia, as a public institution, is obliged to appoint a data protection officer²⁴. According to Article 27(a) of the General Administrative Code of Georgia, an administrative body is defined as a public institution, which includes any legal entity of private law that is financed by state or municipal budget funds. In the context of this provision, an administrative body also refers to any state or municipal institution, legal entity under public law (excluding political or religious organizations), or any other entity exercising public legal powers based on Georgian legislation. Consequently, the Notary Chamber of Georgia, as a legal entity under public law, is considered a public institution, and there is no ambiguity regarding its obligation to appoint a data protection officer. In contrast, a notary, under a literal interpretation of these provisions, cannot be considered a public institution, although they exercise state authority.

It should be noted that under the Law of Georgia “On Personal Data Protection,” a data controller or data processor who processes the data of a large number of individuals or systematically and extensively monitors their behavior is obligated to appoint a data protection officer. This obligation, however, does not apply if the entity processes the personal data of no more than 3 percent of the population of Georgia, based on the most recent national census. Given the general statistical data, an individual notary is unlikely to process the personal data of more than 3 percent of Georgia’s population within a reporting year. Therefore, under this condition, a notary is not required to appoint a data protection officer. However, this does not exclude the possibility that, depending on changes in the quantitative criteria or legal norms, the requirement for a notary to appoint a data protection officer may arise in the future.

From the perspective of data security, the data controller is required to implement appropriate technical and organizational measures to ensure that data processing complies with the law, and must be able to demonstrate the legality of such processing²⁵. Therefore, as previously mentioned, there is currently no requirement for a notary office to have a designated data protection officer, as it is feasible for the general administration of this matter to be handled within the organizational framework of the Notary Chamber of Georgia.

The following entities are involved with the notary electronic registry:

- The Notary Chamber of Georgia;
- Individuals contracted by the Chamber for the management of the register;
- The Chamber’s personal data protection officer;
- Notaries;
- Substitutes for notaries;
- Notaries employed under employment contracts;
- Notary assistants.

It is essential to define the status and obligations of each of these parties in every specific case, in accordance with the Law of Georgia “On Personal Data Protection,”

²³ Case of the Data Protection Authority (Poland) №DKN.5131.31.2021, 07.02.2023.

²⁴ See Guidelines of the Personal Data Protection Service, recommendations for public institutions on issuing/updating intra-departmental legal acts in order to be compatible with the Law of Georgia “On Personal Data Protection”, 2023, 14.

²⁵ Law of Georgia “On Personal Data Protection”, 14/06/2023, first paragraph.

specifically determining who may be classified as a data controller, data processor, or joint controller.²⁶

For comparison, the Spanish Data Protection Supervisory Authority found in a particular case that a notary had failed to inform an individual about the purpose of processing identification data and the data security measures applied during the execution of the notarial act. The notary argued that notarial legislation did not impose such an obligation. However, the supervisory authority cautioned the notary on the necessity of providing this information to the data subject when collecting data directly, irrespective of whether notarial legislation mandates such disclosure.²⁷

Notarial legislation governs the professional conduct of notaries, but the issue of data security is regulated externally and influences notarial activity. This introduces new roles or statuses for notaries in the realm of data processing.²⁸

Any employee of the data controller, as well as the processor, who participates in data processing or has access to data, is obliged to adhere strictly to the scope of authority granted to them and to protect the secrecy and confidentiality of the data²⁹. This obligation extends even after the termination of their official authority. Controllers and processors are mandated to define the scope of access to their data in accordance with the employees' powers. They must implement adequate measures to prevent, detect, and address instances of illegal data processing by employees. This includes ensuring that employees are informed about data security protection issues.³⁰ It is also pertinent to highlight the technical instructions that may impose obligations on specific individuals or grant them authority regarding the management of the registry. Despite the fact that notaries perform state activities independently within their own notary bureaus, the data related to their actions, as well as the personal data of citizens, are collected in the notary electronic registry. Therefore, irrespective of how diligently an individual notary complies with data protection legislation, this alone will not suffice to guarantee data security.

In a comparative analysis, in one case involving a data security breach, the Italian Data Protection Supervisory Authority was approached by the Italian Chamber of Notaries. They requested an examination of the status, obligations, and responsibilities of commercial banks and notaries concerning the processing of data related to the credit obligations of individuals within the electronic register. The supervisory authority determined that the provider of the electronic registry (data controller) was liable for the data security violation, having arbitrarily notified and processed the data contained in the aforementioned registry without proper notification to the controller.³¹

The notary is obligated to protect the data related to access to the notary register³². All individuals who have been granted the right to enter the notary register for various legal

²⁶ Compere: *Elizbarashvili S.*, Protection of human rights in the era of technological development: the beginning of regulation of artificial intelligence, collection of articles - Protection of human rights: European experience and national challenges, Tb., 2023, 80-81.

²⁷ Case of the Data Protection Authority (Spain) №PS/00044, 23/10/2020.

²⁸ See: Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108), 28/01/1981; General Data Protection Regulation (GDPR), 27/04/2016; Convention for the Protection of Individuals with regard to the Processing of Personal Data (Convention 108+), 18/06/2018.

²⁹ Law of Georgia "On Personal Data Protection", 14/06/2023, Article 27, Paragraph 5.

³⁰ Law of Georgia "On Personal Data Protection", 14/06/2023, Article 27, Paragraph 6.

³¹ Case of the Data Protection Authority (Italy) №9993548, 11/01/2024.

³² Compere: *Khubua G., Sirdadze L.*, Law technologies (legaltech) in Georgia, their use in private companies and public agencies, Georgian-German Journal of Comparative Law, No. 7, 2022, 10.

reasons are required to maintain the confidentiality of information regarding notarial activities³³. This obligation remains in effect even after these individuals lose their right to access the notary register.³⁴

The data controller, along with data processor, is required to implement organizational and technical measures that correspond to the potential and associated threats of data processing. These measures must ensure data protection against loss, illegal processing, and include destruction, deletion, modification, disclosure, or unauthorized use³⁵. To preserve the informational integrity of the notary electronic registry, it is essential to systematize its management and functions.

In a comparative case, the Belgian Data Protection Supervisory Authority observed that personal data processed during notarial activities and stored in the notary registry cannot be transferred to the registering authority (another public institution) unless such transfer is based on the wishes of the data subject³⁶. Otherwise, the notary would not only be in violation of data protection legislation but would also breach ethical obligations.

When determining the necessary organizational and technical measures to ensure data security, the controller and processor are obliged to consider the categories of data, volume, and purpose of data processing, form, means, and potential threats to the rights of the data subject. They must also periodically evaluate the effectiveness of the technical and organizational measures taken to ensure data security and, if necessary, implement adequate measures to safeguard data security and/or update existing measures.³⁷

It can be stated that the current system of the notary electronic registry does not adequately account for advancements in modern information technologies, including automated individual decision-making and profiling³⁸. Despite its electronic nature, the system cannot fully facilitate the drafting of a notarial deed without the active participation of a notary public in the process. Therefore, it is crucial to develop the necessary functions for automatic processing within the notary electronic registry to ensure the legality and correctness of citizens' data processing when obtaining notarial services.

4. Updates on Notary Electronic Registry in Member States of the Council of Notaries of the European Union

The Council of Notaries of the European Union is comprised of representatives from the Notary Chamber of Georgia of 22 member countries. In 2024, the Notary Chamber of Georgia joined the Council of Notaries of the European Union as an observer. Among the primary objectives of the member states of the Council of Notaries of the European Union is the enhancement of notarial databases for automatic data processing and the integration of updated information technologies and artificial intelligence.³⁹

³³ Compere: *Peterfalvi A., Esther D.*, When Our Machines Learn Us: European Union Efforts to Regulate AI-Based Decision-Making and Profiling, *Journal of Personal Data Protection Law*, No. 1, 2023, 72-74.

³⁴ According to the opinion of the Advocate General of the Court of Justice of the European Union, the supervisory authority is obliged to act immediately upon discovering the fact (incident) of a breach of personal data security, the case “TR v Land Hessen”, <<https://pdps.ge/ka/content/1068/-/Datanewsroom>> [14.05.2024].

³⁵ Law of Georgia “On Personal Data Protection”, 14/06/2023, Article 27, Paragraph 2.

³⁶ Case of the Data Protection Authority (Belgium) №48, 08/04/2021.

³⁷ Law of Georgia “On Personal Data Protection”, 14/06/2023, Article 27, Paragraph 3.

³⁸ Recommendation of the Personal Data Protection Service “On rights and profiling related to automated individual decision-making”, 2024, 4-6.

³⁹ European Commission for the Efficiency of Justice, Working Group on the Evaluation of Judicial Systems, Specific Study of the CEPEJ on the Legal Professions: Notaries – 2018, Notaries of Europe (CNUE), 7-10.

In Italy, an electronic model of the notarial deed has been in place 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 document of the notarial deed. This document is reviewed by the on-duty notary, who is selected by the user from within the system. The service is noted for its speed and reliability.⁴⁰

The Czech notary registry is integrated with the court register, allowing notaries public access to both the notarial and judicial stages of the review process for user applications and their accompanying documents. This shared access is facilitated by the delegation of certain functions to notaries. In the context of probate proceedings, both notarial and judicial actions are conducted electronically, with only the final outcome being printed. Through this delegation of authority, the notary is granted access to data stored in the court database and is permitted to process it based on predetermined criteria.⁴¹

In Austria, since 2000, there has been an electronic working document that is integrated with the notary registry system and includes an archiving function. The notary can execute any notarial act within this document, and once the notarial act is completed, the notarial deed is automatically recorded in the performed actions field. The system is characterized by its high capacity, security, and flexible sharing functionality, enabling the notary to efficiently manage both current and archived notarial acts.⁴²

Since 2014, Romania has implemented an electronic platform that combines various types of notary registers. The management of these registers is overseen by the Center for the Management of Notary registries. This application-based system allows for the real-time generation of documents, requiring the input of the user's personal data, the content, and the notary involved.⁴³

The Belgian Notary has developed an electronic platform for public real estate auctions, allowing users to participate in auctions from their homes. Through this system, the notary reviews the auction results and prepares a notarial deed, which enables the auction winner to request property registration. Furthermore, the Belgian Notary has established a citizen-oriented communication system, allowing users to submit inquiries, with notaries responding in real time to users' questions and carrying out notarial actions as requested.⁴⁴

All notaries in Estonia, Lithuania, and Latvia utilize an electronic information system characterized by robust security mechanisms and a cross-border functionality among the notary offices of these three countries. This system provides open access to the notaries of the mentioned countries and integrates the registers that establish rights.⁴⁵

The German Notary has developed an innovative system for the registration of limited liability companies, allowing the notary to create an electronic form by inputting the data of the interested parties. Based on the frequency of receiving these services, the platform

⁴⁰ Chiarini A., Forte A., Excellence in Notary Services through ISO 9001 Certification: an Investigation from Italy, Huelva, 2016, 124-125.

⁴¹ European Commission for the Efficiency of Justice, Working Group on the Evaluation of Judicial Systems, Specific Study of the CEPEJ on the Legal Professions: Notaries – 2018, Notaries of Europe (CNUE), 10

⁴² Hall E. G., The Common Law and Civil Law Notary in the European Union: a Shared Heritage and a Influential Future, London, 2015, 15.

⁴³ Ruggeri L., Kunda I., Winkler S. (eds.), Family Property and Succession in EU Member States National Reports on the Collected Data, The European Commission, 2019.

⁴⁴ Verboven F., Yontcheva B., Private Monopoly and Restricted Entry - Evidence from the Notary Profession, 2022, 7.

⁴⁵ Parsova V., Gurskiene V., Kaing M., Real Property Cadastre in Baltic Countries, Jelgava, 2012, 158.

features an archiving function and is actively updated in accordance with both current and archived actions.⁴⁶

The foremost requirement for modern notaries in the member states of the Council of Notaries of the European Union is the digitization of notarial acts; consequently, notary registries are now, to varying degrees, digitized. For instance, countries such as 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 European Union's succession register. This system provides notaries in member states with information about inheritances issued in specific jurisdictions. A secondary consideration is the form in which the notarial deed is accessible in the said register. A notarial deed recorded in the electronic database must, in individual cases, be accompanied by either the notary's signature and seal or solely by electronic details (a unique code), without a physical signature.⁴⁷

The Notary Chamber of Georgia has signed a memorandum of cooperation with the Federal Chamber of Notaries of Germany. This memorandum aims to enhance and develop notarial services through mutual cooperation between the Notary Chamber of Georgia and Germany. It ensures the exchange of experiences in the field of notarial information technology⁴⁸, emphasizing that this sharing of experience extends beyond theoretical learning to provide customized electronic services to users.⁴⁹

5. Conclusion

Notaries maintain active contact with data subjects. The foundations of a notary's professional activity are grounded in the Constitution of Georgia, the law of Georgia on notaries, the Order of the Minister of Justice of Georgia "On Approving the Instruction on the Procedure for Notarial Acts," and other normative acts. The processing of personal data of individuals receiving notarial services is governed by the Law of Georgia "On Personal Data Protection."

It is crucial to establish the status of individuals with access to the notary electronic registry, as well as the fundamental standards of data security protection within the framework of access to both open and closed internal systems. These standards should address the status of both individuals with access to the registry and those without, outlining their duties and regulating their actions in accordance with data protection legislation.

Research has underscored the special significance of the functioning of the notary electronic registry and the necessity for its refinement, taking into account the requirements of the Law of Georgia "On Personal Data Protection," the development of user-adapted electronic services, and the practices of the member states of the Council of Notaries of the European Union. It is advisable that the notary electronic registry, when performing notarial activities, incorporates appropriate data security standards to facilitate automated individual decision-making. This enhancement would assist notaries in managing citizens' appeals and in drafting notarial deeds.

⁴⁶ Rinne T., *A Guide to Corporate Forms for Doing Business in Germany*, Hamburg, 2017, 23.

⁴⁷ Gabisonia Z., *Digital governance and law technologies in the justice system*, Journal. "Justice", No. 1[4], 2023, 41.

⁴⁸ See, Bock R., *Some thoughts on the future of notary*, Georgian-German Journal of Comparative Law, No. 2, 2022, 1-2; Bocki R., *German Notary System*, Georgian-German Journal of Comparative Law, No. 8, 2020, 6-8.

⁴⁹ Wudarski A., Sirdadze L., *Registry jungle in the 21st century*, Georgian-German Journal of Comparative Law, No. 6, 2020, 30-31.

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