

December 23, 2016

Via Email Only

Cathleen Quinn Nolan
Goldson Nolan Connolly PC
8 Claremont Court
Smithtown, NY 11787

Re: Electronic Records

Dear Cathy:

Please accept the following in reply to your question regarding the permissibility of electronic record keeping. You have asked whether real estate brokers may keep records in electronic format.

19 NYCRR § 175.23 which requires, *inter alia*, that real estate brokers maintain certain records for at least 3 years, also provides that such records may be maintained electronically. Specifically, Section 175.23 provides in relevant part “[e]ach licensed broker shall keep and maintain for a period of three years, paper and/or electronic records...” N.Y. Comp. Codes R. & Regs. tit. 19, § 175.23 (emphasis added). Accordingly, electronic records are not *per se* prohibited.

It is strongly recommended that businesses which store records electronically comply with the CPLR provisions governing business records and electronic reproductions. See generally, NY CPLR §§ 4518; 4539(b).

I trust that you will have found the above information helpful.

Very truly yours,



David A. Mossberg, Esq.
NYS Dept. of State