

Legislation may limit access to public documents

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COLUMBUS – Legislation being considered in the state Senate may force office holders and agencies to stop offering online access to public documents, the head of the Ohio Recorders' Association said Tuesday.

Dan Crank, Butler County Recorder and president-elect of the state group, told members of the Judiciary-Civil Justice Committee that Senate Bill 6, while addressing issues related to identity theft, could unintentionally make access to public documents more difficult.

“The Ohio Recorders' Association believes in the goal of protecting Ohioans' privacy,” he said. “SB 6 advances that goal, but we seek to ensure that the legislation does not unintentionally create additional problems and loopholes and that public records remain public records.”

The bill, sponsored by Sen. Tom Niehaus, a Republican from New Richmond, would allow Ohioans to place freezes on their credit records, effectively disallowing anyone from opening credit in their name.

Other provisions prohibit public offices from offering electronic copies of public documents without first redacting confidential personal information, including Social Security numbers, driver's license or state identification card numbers or financial account information.

Crank said the Ohio Recorders' Association supports the redaction of Social Security numbers from documents available online. He said many recorders' offices already are doing so and will not accept documents that contain Social Security numbers.

Other identification numbers present a problem, however; they differ in format and can be more difficult to find, he said. And redacting those numbers from documents dating back 20 years would take time and funding – the process would cost his office \$185,000, Crank said.

“The difficulty in locating and redacting other identifying numbers, such as federal tax ID numbers and financial account numbers, would likely lead many county recorders to remove all public records from their Web sites rather than risk violating the law,” he said. “We believe that making records available through the Internet provides a valuable public service and would prefer to continue making such information available.”

The Recorders' Association also has concerns about redacting information from official records of peach offices, prosecutors and public servants.

“Altering publicly filed documents creates a number of potential complications,” Crank said. “Land title searches, conducted every time a piece of land changes hands, rely on establishing a clean bill of title,” he said. “The proposed bill would require our offices to permanently change and modify public records.”