

Topic: Private vs. Public Information

Question by: Penney Barker

Jurisdiction: West Virginia

Date: 18 April 2011

Jurisdiction	Question(s)			
	Do you post images of the annual reports or other filings online?	Do you consider FEIN's to be public or private information?	Do you consider phone numbers to be private information?	Any other information you consider to be private and should not be made public?
Manitoba				
Corporations Canada	Corporations Canada is responsible for incorporating businesses and not-for-profit organizations that choose to incorporate federally rather than provincially or territorially in Canada. We do not post images, but we do post the information that corporations provide us on their annual report or any notice of change that they send us.	Corporations Canada is not involved in secured transactions.	Phone numbers are not posted online.	Corporations Canada does not publish the addresses of directors. This is information we must collect because our legislation requires a minimum percentage of Canadian directors.
Alabama				
Alaska				
Arizona				
Arkansas				
California				

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Colorado	Yes. Images of all documents are available online for free. We do not require a password or user account to view the images.	Public. However, we do not require FEINs or SSNs on our filings.	We do not require a phone number on any filings made with our office. If someone has provided a phone number that she/he wishes to have redacted from the image, we will generally honor the request.	<p>We realized that people were including information in attachments and on forms that, in hindsight, they would have probably preferred to keep private. We do not have authority to alter a document on our own, so we added a provision to 7-90-306, C.R.S. (see below) that allows a person to request that information be removed. The form for the request is available here: http://www.sos.state.co.us/pubs/business/PDFFillable/PI_I_REQ_REM.pdf</p> <p>7-90-306. Filing duty of secretary of state</p> <p>(5) (a) Notwithstanding the foregoing or any other provision of law, the secretary of state may, upon receipt of a written request from and a showing of good cause by an authorized person supported by such validating, verifying, and authenticating documents as the secretary of state may require, remove personal identifying information from the publicly accessible documents and other records of the secretary of state maintained pursuant to this section where such information is not required by law to be included in such documents and records.</p> <p>(b) A document or record from which the secretary of state removes personal identifying information pursuant to paragraph (a) of this subsection (5) shall not be rendered insufficient or ineffective by such removal notwithstanding any other provision of law.</p> <p>(c) The secretary of state may retain the original or a copy of a document or record that contains personal identifying information, but such a document or record shall be open for inspection, and copies or printouts of the document or record or information from the document or record shall be furnished only upon application to the secretary of state and only for good cause shown notwithstanding any provision of part 2 of article 72 of title 24, C.R.S., or any other provision of law.</p> <p>(6) For the purposes of this section, "personal identifying information" means information about an individual that could reasonably be used to identify such individual, including, but not limited to:</p> <p>(a) A social security number;</p> <p>(b) A personal identification number;</p> <p>(c) A password; or</p> <p>(d) A pass code.</p>
Connecticut				

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Delaware				
District of Columbia				
Florida	Florida posts images of all filed documents since filed documents are public information. The only redacted information is the social security number for individuals.			
Georgia				
Hawaii	We post the information from the annual reports and other filings. The images of the annuals or other filings may be purchased.	Public. However, we do not require FEINs on our filings.	Yes. We try to remove phone numbers if it is submitted.	We consider SS numbers, driver's license number or Hawaii identification number and bank account, credit/debit card numbers, access code or passwords that would permit access to an individual's financial account as private information.
Idaho				
Illinois				
Indiana	Yes	Public	No	If SOS discovers SSN's on the filed document – we'll redact that information.
Iowa				

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Kansas	Currently UCC are the only filings available online without submitting a request and paying a fee.	Kansas went through a redaction process on UCC for FEIN and/or SS# information but currently we do not redact FEIN if provided on our corporate documents. The Annual Report has a blank for FEIN but it is no longer required.	NO	We redact as mentioned above Social Security Numbers and FEIN on UCC documents. We are looking into the possibility of making other filings accessible on line for copies, but that will probably be at least a year away. We may have to consider additional redaction at that time. We don't currently collect email addresses but will in the future. I would agree that they would also be considered private.
Kentucky				
Louisiana	No	Public	No	If a document contains information, such as a social security number or a charge card number, we will contact the customer for permission to remove this information before making it a public record.
Maine	Yes	Public	No	Maine currently does not redact information. However, if SS numbers, phone numbers, bank account information or other sensitive information is provided on filings, we contact the customer and advise them to remove the information.
Maryland				
Massachusetts				
Michigan				
Minnesota				
Mississippi				

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Missouri	Yes	Missouri statutes do not expressly exempt FEINs in the open records chapter; therefore, they are open to the public. However, we have adopted an office policy of redacting them on the scanned image that is available on the web. The underlying paper document is not redacted and if a request for a copy was received, we would produce a copy of the document containing the FEIN.	No	We hold any bank account or credit card information as private.
Montana	Montana does not have corporate images viewable online and does not redact information when providing paper copies of corporate documents.	The documents filed with this office do not include FEIN's or telephone numbers.		
Nebraska				

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Nevada	Not at this time.	We do not collect FEIN on annual reports or initial filings.	Phone numbers are only collected as part of the order form. As the order may include banking and other information not required in annual or initial filings, the order forms are not considered public. Articles of incorporation, annual lists and other formation documents do not require phone numbers and our forms do not contain a field for such.	
New Hampshire	Yes, there is a disclaimer on all of our documents that they will be made public, including electronic format.	Some are public (those publically traded), the rest are not. As we do not know which category they fall under we prefer to err on the side of caution and treat them all as private.	We consider phone numbers private but if they are included on forms that is why we have the disclaimer.	
New Jersey				

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New Mexico				
New York	NY does not have corporate images viewable online and does not redact information when providing paper copies of corporate documents. These documents do not include FEIN's or phone numbers. UCC documents are viewable online.			Social Security numbers are redacted.

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North Carolina	Yes.	Private. [Refer to NC Session Law 2005-414, Senate Bill 1048: http://www.ncga.state.nc.us/Sessions/2005/Bills/Senate/HTML/S1048v6.html .]	No.	<p>See attachment. [pasted here below]</p> <p>Article 19C. Identity Theft.</p> <p>§ 14-113.20. Identity theft.</p> <p>(a) A person who knowingly obtains, possesses, or uses identifying information of another person, living or dead, with the intent to fraudulently represent that the person is the other person for the purposes of making financial or credit transactions in the other person's name, to obtain anything of value, benefit, or advantage, or for the purpose of avoiding legal consequences is guilty of a felony punishable as provided in G.S. 14-113.22(a).</p> <p>(b) The term "identifying information" as used in this Article includes the following:</p> <ol style="list-style-type: none"> (1) Social security or employer taxpayer identification numbers. (2) Drivers license, State identification card, or passport numbers. (3) Checking account numbers. (4) Savings account numbers. (5) Credit card numbers. (6) Debit card numbers. (7) Personal Identification (PIN) Code as defined in G.S. 14-113.8(6). (8) Electronic identification numbers, electronic mail names or addresses, Internet account numbers, or Internet identification names. (9) Digital signatures. (10) Any other numbers or information that can be used to access a person's financial resources. (11) Biometric data. (12) Fingerprints. (13) Passwords. (14) Parent's legal surname prior to marriage. <p>(c) It shall not be a violation under this Article for a person to do any of the following:</p> <ol style="list-style-type: none"> (1) Lawfully obtain credit information in the course of a bona fide consumer or commercial transaction. (2) Lawfully exercise, in good faith, a security interest or a right of offset by a creditor or financial institution. (3) Lawfully comply, in good faith, with any warrant, court order, levy, garnishment, attachment, or other judicial or administrative order, decree, or directive, when any party is required to do so. (1999-449, s. 1; 2000-140, s. 37; 2002-175, s. 4; 2005-414, s. 6.)

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North Dakota	ND does not post images of annual reports or other business entity filings.	FEINs are considered private information.	No.	Any email address provided to the agency is considered private.
Ohio	Yes	Private (Ohio law states we must redact or reject documents containing FEIN or SSN).	No	SSN
Oklahoma				
Oregon				
Pennsylvania				
Rhode Island	All document filings are imaged in our Business Filings, UCC, and Trademark/Service Mark Sections.	Yes. We assign a unique ID# to each entity of record in our Business Filings Section. That ID# is recorded on each subsequent filing. Our Rhode Island form in UCC does not require the FEIN's or SSN. If a filing is submitted with FEIN's or SSN's the number is redacted.	No.	No. All filings, and their content, are considered public information. We do have disclaimers.
South Carolina				
South Dakota				
Tennessee				

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Texas	Texas posts images of all filed documents since filed documents are public information. The only redacted information is the social security number for individuals.			
Utah	Yes.	Private, except for agricultural lien filings. We do not collect them in business entity filings or UCC filings.	No and we don't collect them.	Nothing that we collect. Everything is public.
Vermont				
Virginia	Only annual reports at this time.	No determination has been made whether FEINs are included in our statutory definition of "personal identifiable information," which seems to have been drafted for individuals.	No. In fact, some of our forms offer the option of including a telephone number. We often use it to call a customer for permission to correct a minor deficiency so we do not have to reject the submission and delay its filing.	Again, see the definition of "personal identifiable information" in the statute cited [below]. Primarily, however, we are most concerned with SSNs and FEINs.

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Washington	Yes, but only documents from 2004 back. Going forward we post the information on the web but not the image. It's a resource issue and we hope to publish all of the documents in the future.	Public	No	I cannot speak for UCCs as they are filed at the Dept. of Licensing, but all business filings are considered public record.
West Virginia				
Wisconsin				
Wyoming				

Additional comments:

Intro Response from Chuck Rogers, Virginia:

“Dissemination of private information in public documents has been a hot topic in Virginia in recent years, enflamed, in part, by a privacy advocate who has been publishing on her website public land records that contain the SSN of public officials. See [Ostergren](#).

“In 2010, we were able to get the legislature to adopt a statute that allows us to “remove, delete or obliterate, without prior notice,” personal identifiable information in a UCC or business entity document prior or subsequent to filing, and we have been exercising this authority as to documents filed on or after July 1, 2010, the effective date of the legislation. See subsection B of [Va. Code Section 12.1-19](#).

“Virginia’s responses to your questions are set forth [above].”

Full text of email:

Good Morning

We are considering posting images of all documents that organizations file with our office (annual reports, initial filings, etc) online, viewable to general public. Our concern is what is considered "private vs public" information, especially in light of recent postings of

"corporate identity theft". We would like to see how other states view this topic so if you could answer the following it would be appreciated.

1. Do you post images of the annual reports or other filings online?
2. Do you consider FEIN's to be public or private information?
3. Do you consider phone numbers to be private information?
4. Any other information you consider to be private and should not be made public?

Thanks for responses.

Penney Barker, Manager
Business & Licensing Division
WV Secretary of State's Office