

Responses on Redaction of Information
For General Session Discussion
2006 IACA Conference

Please note: Unless otherwise indicated, information applies to both BOS/STS.

| Jurisdiction | 1. Perform redaction automatically or upon request? | 2. If redact, what information is redacted? | 3. Done for documents that have been filed in the past? | 4. What is the legal basis for redacting (statutory, regulatory, policy)? | 5. If redaction, maintain a non-redacted version? If "yes", what steps must a person take to gain access to unredacted filings? |
|-----------------------|---|--|---|--|---|
| Alabama | | | | | |
| Alaska – STS | No | N/A | No | N/A | N/A |
| Alberta | | | | | |
| Arizona - BOS | See Note ¹ | SSN, Driver License Info, personal addresses, DOB | Rarely | Internal policy. However, legislation is moving forward which would <u>require</u> certain information to be redacted in the future ² | Yes, unredacted version is available upon request. |
| Arkansas - BOS | Yes, when providing copies to the public not the entity | Tax IDs, issued and outstanding shares and mailing address | Yes for copies of tax reports | Statutory | Yes, only the entity can obtain the unredacted version upon providing their identity |
| Arkansas - | No | N/A | No | N/A | N/A |

¹ AZ – BOS Q1: a courtesy, when examining annual reports or corporate/LLC filings we perform a cursory review of any attachments for SSNs, drivers license numbers, home addresses, dates of birth, etc. We typically notify the customer that all attachments will be on the web and ask the customer to remove them and re-submit the filing. Occasionally, we get calls from customers asking that personal info be redacted from filings after-the-fact. We work with the customers to redact personal info on a case-by-case basis. We have a specific filing requirement for corporations (Certificate of Disclosure) which requires "any person serving...as officer, director, trustee, incorporator and persons controlling or holding over 10% of the issued and outstanding common shares" who has been convicted of certain felonies to attach specific information including SSN, home address and DOB. This information is not redacted since it is required by law.

² AZ – BOS Q4: S.B. 1219 has passed in both houses of the Arizona Legislature and will further restrict what information can be accessible to the public. The bill has not yet been signed by the Governor. Summary of the bill: Prohibits the documents or records that are to be recorded from containing an individual's birth date or birth place or more than four digits of an individual's: social security number, credit card, charge card, or debit card numbers, retirement account numbers, savings, checking or other financial account numbers; Authorizes only the Attorney General, county attorney, or both to initiate legal action for a violation of this legislation; Establishes a civil penalty of up to \$500 dollars for each act of recording personal identifying information.

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| STS | | | | | |
| British Columbia | | | | | |
| California | See note ³ | See Q1 | <u>No, all statutorily required business entity filings and uniform commercial code filings were available to the public as filed until Civil Code section 1363.6(e) went into effect (January 1, 2003)</u> | California <u>Civil Code section 1363.6(e).</u> | <u>Pursuant to statute, the Statement by Common Interest Development Association form is available, in its entirety, only for governmental purposes by a member of the Legislature and the Business, Transportation and Housing Agency upon written request.</u> |
| Canada – Federal Government | Yes | Directors residential address and credit card numbers | Yes | Policy | Yes, the public can demand the information. |
| Colorado | | | | | |
| Connecticut | | | | | |
| Delaware | No | N/A | N/A | N/A | N/A |
| District of Columbia | | | | | |

³ CA – Q1: Pursuant to Civil Code section 1363.6(e), the name, address and either the daytime telephone number or e-mail address of the president of the association set forth on the Statement by Common Interest Development Association form is redacted unless the information is requested for governmental purposes by a member of the Legislature and the Business, Transportation and Housing Agency upon written request. No other redaction occurs.

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|---------------|-------------------------|--|-------------------------|--|--|
| Florida | Yes, upon request | See note ⁴ | Yes | Florida statute, chapter 119, Public Records | Yes, no one can access unredacted documents. |
| Georgia – STS | No | N/A | No | N/A | N/A |
| Hawaii – BOS | No | N/A | No | N/A | N/A |
| Idaho | | | | | |
| Illinois | Yes – UCC filings only. | Information contained in Item 1.d of the National form only ⁵ | On filings since 7/2001 | Section 180.12 of the Illinois Administrative Rules, in addition to the Privacy Act. | No |
| Indiana | | | | | |
| Iowa | | | | | |
| Kansas | | | | | |
| Kentucky | Yes, automatically | SSN, bank information and pending is DOB | Yes | Federal Privacy Act | Yes, maintains private or un-redacted copy for internal use only, redacted version for public. Only court order can release the un-redacted version. |
| Louisiana | Yes ⁶ | Credit card information | Yes | No legal basis, just common sense | No |
| Maine | No | N/A | No | N/A | N/A |

⁴ FL – Q2: name and address of certain specific individuals in specific identified positions (and the names of spouse and children, if applicable) to prevent their names and addresses from being on a public records data base. Example: policeman, judge, private investigator among others. Also, SS#s. SS#s are currently asked for only on Notary Applications and these are not scanned or filmed. When copies are requested, redaction of the SS# is made. This process will soon change.

⁵ Illinois UCC does not redact SS #s from any other from any other collateral, addendums, or attachments.

⁶ LA – Q1: Generally, customers list their credit card numbers on their correspondence. Occasionally, they mail or fax documents without a cover letter and will put their credit card info on their document. Both document and correspondence are public record, so we redact on both.

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| Manitoba | See note ⁷ | | | | |
| Maryland | | | | | |
| Massachusetts | Yes, upon request | See note ⁸ | Yes | See Note ⁹ | Yes, Any member of the public may submit a public records request to view the original unredacted document, however the request may be denied if the public interest in disclosure does not outweigh the privacy interest in disclosing that personal information. |

⁷ MAN - We have a legal obligation to advertise new company registrations on our website for at least 3 months following registration. However, once we started doing this, registrants realized that if they “googled” their name, then information about themselves and their business would turn up. Some were quite offended by this (especially in home-based business situations). We addressed this in two ways: 1. We reduced the length of time that we “advertised” the info to 16 weeks from 26. This still exceeded the minimum length of time that we were obligated to do this (there are certain customer service reasons why we don’t want to go below 16 weeks). Ironically, early on, we thought it was a good thing to advertise longer. 2. In some technical way I can’t explain, we made that part of our website “impervious” to most conventional search engines. These steps appear to have done the job, because we don’t get complaints any more. I don’t think that what I’ve described is “redaction” in the conventional sense, but it does speak to how we have rearranged the way we make our information available, to deal with privacy concerns.

⁸ MA – Q2: Personal information concerning specifically named, private individuals who have mistakenly submitted the personal information to the public record and the disclosure of which may constitute an unwarranted invasion of personal privacy. Examples: home addresses, social security numbers, dates of birth.

⁹ MA – Q4: Redaction was instituted by Massachusetts General Laws c. 4, s.7(26) and an Opinion of the Supervisor of Public Records, SPR Bulletin No. 4-01, March 10, 2004. The authority of the Supervisor to issue advisory opinions is in the Code of Massachusetts Regulations at 950 CMR 32.07. <http://www.sec.state.ma.us/arc/arcrmu/rmubul/bul401.htm>

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| Michigan – BOS | No, except for LLP registrations | SSN | Only for annual reports from the early 1990's that included SSN | Statutory ¹⁰ | Yes, Only entity can obtain a copy of the unredacted version |
| Michigan – STS | No | N/A | No | N/A | N/A |
| Minnesota | Up until 1999 on UCC filings | N/A | No. | Minnesota statutes 336.9-531 ¹¹ | |
| Mississippi | Yes, upon request only | SSN, except on FSA/Crop Liens | Yes, except on FSA/Crop Liens | Mississippi Code, Section 25-1-111 | Only imaged UCC documents are redacted. As of April 2006, no unredacted version is retained – coming in June 2006 |

¹⁰ MI – BOS Q3: profit corporations, MCL 450.1131, [http://www.legislature.mi.gov/\(czoded45a2fy5ebiuvjr2a45\)/mileg.aspx?page=getobject&objectname=mcl-450-1131&queryid=13680425&highlight=public](http://www.legislature.mi.gov/(czoded45a2fy5ebiuvjr2a45)/mileg.aspx?page=getobject&objectname=mcl-450-1131&queryid=13680425&highlight=public) and MCL 450.2060(6) [http://www.legislature.mi.gov/\(czoded45a2fy5ebiuvjr2a45\)/mileg.aspx?page=getObject&objectName=mcl-450-2060](http://www.legislature.mi.gov/(czoded45a2fy5ebiuvjr2a45)/mileg.aspx?page=getObject&objectName=mcl-450-2060)

limited liability companies, MCL 450.4104, [http://www.legislature.mi.gov/\(czoded45a2fy5ebiuvjr2a45\)/mileg.aspx?page=getObject&objectName=mcl-450-4104](http://www.legislature.mi.gov/(czoded45a2fy5ebiuvjr2a45)/mileg.aspx?page=getObject&objectName=mcl-450-4104) and MCL 450.5101(4) [http://www.legislature.mi.gov/\(czoded45a2fy5ebiuvjr2a45\)/mileg.aspx?page=getObject&objectName=mcl-450-5101](http://www.legislature.mi.gov/(czoded45a2fy5ebiuvjr2a45)/mileg.aspx?page=getObject&objectName=mcl-450-5101)

nonprofit corporations, MCL 450.2131, [http://www.legislature.mi.gov/\(czoded45a2fy5ebiuvjr2a45\)/mileg.aspx?page=getobject&objectname=mcl-450-2131&queryid=13680558&highlight=public](http://www.legislature.mi.gov/(czoded45a2fy5ebiuvjr2a45)/mileg.aspx?page=getobject&objectname=mcl-450-2131&queryid=13680558&highlight=public) and MCL 450.3060(3) [http://www.legislature.mi.gov/\(czoded45a2fy5ebiuvjr2a45\)/mileg.aspx?page=getObject&objectName=mcl-450-3060](http://www.legislature.mi.gov/(czoded45a2fy5ebiuvjr2a45)/mileg.aspx?page=getObject&objectName=mcl-450-3060)

limited partnerships, MCL 449.1206, [http://www.legislature.mi.gov/\(czoded45a2fy5ebiuvjr2a45\)/mileg.aspx?page=getobject&objectname=mcl-449-1206&queryid=13680707&highlight=public](http://www.legislature.mi.gov/(czoded45a2fy5ebiuvjr2a45)/mileg.aspx?page=getobject&objectname=mcl-449-1206&queryid=13680707&highlight=public) and MCL 449.2107(3) [http://www.legislature.mi.gov/\(czoded45a2fy5ebiuvjr2a45\)/mileg.aspx?page=getObject&objectName=mcl-449-2107](http://www.legislature.mi.gov/(czoded45a2fy5ebiuvjr2a45)/mileg.aspx?page=getObject&objectName=mcl-449-2107)
limited liability partnerships, MCL 449.48 [http://www.legislature.mi.gov/\(czoded45a2fy5ebiuvjr2a45\)/mileg.aspx?page=getObject&objectName=mcl-449-48](http://www.legislature.mi.gov/(czoded45a2fy5ebiuvjr2a45)/mileg.aspx?page=getObject&objectName=mcl-449-48)

¹¹ MN – Q4: <http://www.revisor.leg.state.mn.us/stats/336/9-531.html>

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|------------------------------------|---|---|---|---|--|
| Missouri | Yes, automatically or upon request | SSN, home address and signatures | Yes | Chapter 610 ¹² , Governmental Bodies and Records, Section 610.035 State entity not to disclose Social Security number, exceptions. | Yes, maintains an un-redacted version. See statute. |
| Montana | No | N/A | No | N/A | N/A |
| Nebraska | No | N/A | No | N/A | N/A |
| Nevada | | | | | |
| New Brunswick | | | | | |
| New Hampshire | Yes, upon request only | Signatures and Federal Tax ID numbers | Yes, only upon request | Internal customer service policy | Yes, A request made in person, or in writing for the complete document is the only requirement. We do not ask for ID or for the reasons that the request is being made, nor do we keep a record of requests. |
| New Jersey | No | N/A | No | N/A | N/A |
| New Mexico | No | N/A | No | N/A | N/A |
| New York | | | | | |
| Newfoundland & Labrador | | | | | |

¹² MO – Q4: <http://www.moga.state.mo.us/statutes/c600-699/6100000035.htm>

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|-----------------------------|---|--|---|---|---|
| North Carolina – BOS | Yes, automatically starting 12/2005 | Information that is redacted is defined by the Identity Theft Protection Act of 2005 ¹³ | Yes | See Q2 | No |
| North Carolina – STS | Yes | SSN | Yes | NCGS 75-60 | Yes, it takes a court order to gain access to an unredacted filing. |

¹³ NC – BOS Q2: Identify Theft Protection Act of 2005, effective December 2005, www.ncleg.net/EnactedLegislation/SessionLaws/HTML/2005-2006/SL2005-414.html

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|------------------------------|---|--|---|---|---|
| North Dakota | Yes, when a UCC search is conducted or copies of business entity filings are requested. | SSN, <u>Tax Id numbers; On domestic and foreign annual report copies, we also redact financial data.</u> | See note ¹⁴ | See note ¹⁵ | <u>Yes, the official document maintained by the Secretary of State is a non-redacted version. Except as otherwise provided by law, non-redacted version of a UCC or business-related document may be obtained by a court order.</u> |
| Northwest Territories | | | | | |
| Nova Scotia | | | | | |
| Nunavut | | | | | |
| Ohio | Yes, automatically for UCC since 4/6/2006 | SSN, EIN | No, Upon request only | Statute | Yes, upon request the unredacted version will be supplied. |
| Oklahoma | No | N/A | No | N/A | N/A |

¹⁴ ND – Q3: 41-09-73 (6) of the North Dakota Century addresses back filings of UCC documents. We redact on all filings even those filed prior to the enactment. The redaction of financial data on annual report copies has been in effect since 1997. Redaction of social security numbers and FEIN numbers on corporate and other business-related documents has also been in effect since 2003. Since enactment of the 1997 and 2003 provisions, redaction has occurred on all copies supplied of business-related documents even on those filed prior to the adoption of the statutory provisions.

¹⁵ ND – Q4: 41-09-73 (6) of the North Dakota Century Code for UCC documents. N.D.C.C., Section 10-19.1-149.1 in the Business Corporation Act relates to the social security and FEIN numbers. A similar provision appears in every other business entity code chapter. N.D.C.C., Section 10-19.1-146, subsection 2 requires the redaction of financial data on annual reports except to a person that is verified to be a shareholder of the corporation, a legal representative of the shareholder for which information is requested, or to the tax commissioner or any employee or legal representative of the tax commissioner, who may not disclose the information and may use the information only for the administration of tax laws.

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|-----------------------------|---|--|---|--|---|
| Ontario | | | | | |
| Oregon | Yes | SSN, Home address, phone number if personal safety exemption is approved | Yes | Redaction of home address and phone number for personal safety exemption is authorized by statute ORS 192.445 Redaction of SSN by policy. | Yes. Access is allowed for requests by law enforcement, and by court order. |
| Pennsylvania | | | | | |
| Prince Edward Island | | | | | |
| Quebec | | | | | |
| Rhode Island | Yes | SSN | Yes | Policy | No |
| Saskatchewan | | | | | |
| South Carolina | No | N/A | No | N/A | N/A |
| South Dakota | No, but soon | SSN and Tax ID numbers | No | None | No |
| Tennessee | | | | | |
| Texas | Yes, automatically | SSN | No, statute made it optional | Chapter 552. Public Information, Subchapter A. General Provisions, § 552.147. Exception: Social Security Number of Living Person. | No |
| Utah | No | N/A | No | N/A | N/A |
| Vermont - STS | No, but soon | SSN and Tax ID numbers | No | None | No |
| Virgin Islands | | | | | |

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| Virginia | Both | SSN | Will redact before posting to the Web. | N/A, since we keep what was initially presented to the office as well as the redacted version. | Yes, submit a UCC11 to the Clerk's Office and we will provide an unredacted copy. Redacted copies are only available via the Web. |
| Washington | | | | | |
| West Virginia | Yes | SSN | No | No written policy | No |
| Wisconsin | | | | | |
| Wyoming | Yes, automatically for UCC and upon request for business entity filings | SSN, Tax ID numbers | Yes | Office policy | Our office may view the records. Requests for unredacted versions have not been requested – not sure how the office would respond. |
| Yukon Territory | | | | | |

Parking lot issues:

1. From KY - We currently see numerous UCC filings that come in with the social security numbers provided in the debtor name fields. Our statutes require that we index the information exactly as it appears on the form. However, this goes against the Privacy Act by it appearing on public record. If I am correct, the last office decision we have made is to redact from the name field. However, we have no idea if there could be a legal consequence for this. I would be curious to see what other offices have done in this situation if they have run across it.
2. From Tim Hall – CT - A “financing statement” includes the initial financing statement and all associated records. It seems to me that there are some filing offices that are reviewing the FORMS for certain personal information, but are not necessarily reviewing the ATTACHMENTS to the forms. Unfortunately, a lot of the legislation uses terms such as “documents” (which is very limited in RA9 and likely wouldn't include UCC filings) or

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some other term that does not make the job of reviewing such UCC records very clear. I'm assuming that there are some folks out there who are only reviewing the actual forms, and not the attachments.