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Redaction Best Practices

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PROPERTY RECORDS INDUSTRY ASSOCIATION

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Table of Contents

Executive Summary	4
Redaction Best Practices	4
Background	6
Redaction Best Practices	7
Determining the Scope of the Problem.....	9
Automated Redaction Defined	11
Conclusion	13

Executive Summary

There are continuing concerns and challenges to balancing the public's access to information with an individual's right to privacy. Redaction is the most common solution for concealing private data in a property record from public view. This solution allows sensitive, private, or confidential information, which is exempt by law from disclosure, to be covered over in a manner that does not distort the meaning of the record. Redaction can most accurately be described as the process of removing sensitive data from the publicly viewable portion of an official government record.

The three types of redaction parameters used in statutes are:

ADCON (Address Confidentiality): "Safe at Home" laws, designed to protect domestic violence, abuse and crime victims.

CRIS (Confidential Recorded Instrument Shielding): Legislation related to hiding property records from online access, viewing, or requiring limited access.

PII (Personally Identifiable Information): Any information relating to an identified individual who is the subject of the information (e.g., Social Security Number, date of birth, mother's maiden name, address).

This paper addresses the availability of information about individuals contained in property records maintained by recorders¹. Property records by definition are public records, and in many jurisdictions, there are few restrictions on the release of public records. The paper is specifically intended as a resource tool for legislators before passing legislation and for recorders as they begin to address redaction. Accordingly, this paper sets forth redaction best practices for policymakers, recorders and other interested parties.

Redaction Best Practices

1. Follow State Statutes.
2. Consult with Subject Matter Experts.
3. Allow Public Access to Redacted Document.
4. Allow Permissioned Access To Authoritative/Master Version.
5. Do Not Redact Signatures.
6. Do Not Redact Property Addresses.
7. Do Not Remove Index Data.
8. Establish Shielding and Redaction Request Processes and Forms.
9. Impose Time Limits on ADCON/ CRIS Records.

IF YOU WANT TO AUTOMATE REDACTION, FOLLOW THESE BEST PRACTICES:

1. Scan at 300 DPI TIFF Group 4 or PDF/A.
2. Do Not Mark On Documents.
3. Use Automated Redaction Software.

1. The government official responsible for recording and maintaining the land records within its jurisdiction. This includes recorder of Deeds, Registrar, Register of Deeds, Auditor, and Clerk.

IF YOU ARE ISSUING AN RFP FOR REDACTION OR EVALUATING REDACTION TOOLS, FOLLOW THESE BEST PRACTICES:

1. Establish Representative Statistically-Correct Sample Sets.
2. Select Accuracy Measuring Methodology.
3. Conduct Benchmark Testing.

These recommendations are discussed in more detail in the comprehensive Best Practices Redaction Paper.

For additional information, go www.pria.us, and search the Resource library.

Background

Florida was the first state to require redaction of documents in the land records, which are called Official Records in Florida.

In May 2001, Florida passed a law requiring that, by January 1, 2002, each recorder must have made available on the publicly accessible internet the complete index data for all documents recorded, at least as far back as 1990. The same law also required that, no later than January 1, 2006, images of all recorded documents at least as far back as 1990 must have been made accessible and viewable on the internet.

Following the September 11, 2001, attacks on the United States, the Florida legislature convened in early 2002 and passed modifications to the previously enacted law. Death certificates, military discharge documents, probate documents, mental health documents, juvenile court documents, and family court documents (divorces and child support) were specifically restricted from being viewable on the publicly accessible Internet. Further, the legislature added a requirement that, by January 1, 2006, all recorded documents on the publicly accessible internet have five number types redacted (removed from public internet view):

1. [Social Security Numbers](#)
2. Bank Account Numbers
3. Credit Card Numbers
4. Debit Card Numbers
5. Charge Card Numbers

Time extensions for compliance were provided by the Florida legislature over the years, as not every recorder was able to complete redacting the images, primarily because the images first had to be digitized from microfilm or paper. Other counties chose to digitize images further back in time and those images needed to be redacted as well. Florida law first addressed only land records; it was later amended to also include court case records and documents. Subsequently, some states followed Florida's lead; others did not.

Redaction Best Practices

1. Follow State Statutes. Custodians of land records follow their specific state statutes regarding any duty to redact personally identifiable information (PII), confidential record information shielding (CRIS), and address confidentiality (ADCON). Recognize states have different rules.
2. Consult with Subject Matter Experts. Legislators considering redaction legislation should consult with their recorders, as well as PRIA, state recorder associations, the American Land Title Association (ALTA), state land title associations and International Association of Government Officials (IGO). These organizations and individuals provide a broad, systemic view of the purpose of public records and are directly affected by redaction legislation.
3. Allow Public Access to Redacted Document. The public should have access only to the redacted version of a document.
4. Allow Permissioned Access To Authoritative/Master Version. Redactions should never be applied to the as-recorded version of the document, which become the authoritative/master version. Access to the authoritative/master version of the document should be available only to those parties allowed under law. Private access is to the un-redacted, or as-recorded, version.
5. Do Not Redact Signatures. Signatures on property record documents should not be redacted.
6. Do Not Redact Property Addresses. Property address information, including situs address, legal description and parcel/tax identification number, should not be redacted from documents. Redacted property addresses will have dire challenges when securing financing and acquiring title insurance to purchase or encumber real property. Title companies cannot guarantee or insure title if they cannot confirm ownership and properly trace the chain of title for the property.
7. Do Not Remove Index Data. Index data is typically instrument number, grantor and grantee information, along with date and time of recording. Do not change any index data, as it is the way to search for a document, but it is not the actual document
8. Establish Shielding and Redaction Request Processes and Forms. Standardized processes, ideally by state, for requesting, fulfilling, managing and archiving requests should be created. These requests should be appended to the document to explain why data was redacted or shielded; however, these request forms should not be accessible or viewable by anyone other than internal staff.
9. Impose Time Limits on AdCon/CRIS Records. Time limits on address confidentiality or shielding requests should be included in statutory language. A four-to-five year time period with possible renewal is appropriate because of life changes and physical moves.

IF YOU WANT TO AUTOMATE REDACTION, FOLLOW THESE BEST PRACTICES:

1. Scan at [300 DPI TIFF Group 4](#) or PDF/A. These file formats are best for optical character recognition (OCR) accuracy (as of the time of publication²).

2

https://member.pria.us/files/resource_library_files/Business_Processes_and_Procedures/Document%20Formatting%20Update%202015-12-31%20v2.pdf

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2. Do Not Mark on Documents. Any pencil or ink markings on documents inhibit the effectiveness of OCR software.
 3. Use Automated Redaction Software. This software and its tools cover up data on digital images. Manual redaction efforts are not as effective.

IF YOU ARE ISSUING AN RFP FOR REDACTION OR EVALUATING REDACTION TOOLS, FOLLOW THESE BEST PRACTICES:

1. Establish Representative Statistically Correct Sample Sets. Sample document sets are necessary when evaluating the effectiveness of vendor software.
2. Select Accuracy Measuring Methodology. The organization should choose an accuracy measuring methodology it understands and apply it evenly across all benchmarks.
3. Conduct Benchmark Testing. Accuracy benchmarks should be conducted prior to purchasing an automated redaction solution, and the same benchmarks should be applied going forward.

Determining the Scope of the Problem

The most basic question policymakers must answer in pursuing a strategy for redaction is: What is the scope of the problem?

Privacy has been a growing concern in the United States for decades. The spread of the internet and the seemingly unlimited options for collecting, saving, sharing, and comparing sensitive information, trigger consumer worries. Online practices of business and government agencies are presenting new ways to compromise privacy. Technologies and eCommerce make a wide range of personal information available to anyone with a web browser.

As is relates to land records, policymakers are faced with evolving privacy concerns. The key challenges are balancing the interests of individuals, businesses, and government in ways that promote privacy reasonably and effectively.

Initially, PRIA posed the question “What constitutes sensitive information in land records?” Most states now define this data in terms of PII. However, even PII is a broad term with no universally established legal definition.

PRIA, in its Social Security Number and Privacy Protection Act ([SSNAPP Act](#)), defines PII as: one or more of the following specific unique identifiers **when combined with** an individual’s name: (1) Social Security Number, (2) driver’s license number or state identification card number, (3) financial institution account number, credit, debit or charge card number, and (4) date of birth. Nationally, the list of identifiers is expanding to include items such as:

- Biometric information
- Electronic and digital account information, including email addresses and internet account numbers
- Email addresses
- Employee personnel records and tax information
- Employer Identification Numbers
- Mailing addresses
- Property addresses
- Parcel Identification Numbers (PIN)
- Medical IDs – Medicare/Medicaid
- Passport information
- Passwords
- Private personal phone numbers, especially mobile numbers
- Professional License Numbers (e.g., doctors’ DEA Numbers)
- School identification numbers and records
- Veterans Administration Numbers

Once policymakers have identified the types of PII that are candidates for redaction from the publicly accessible land records, it is necessary to determine the most practical, cost-effective strategy for removing that sensitive information from public view. Considering the substantial volume of historical and current data now available in land records management systems, policymakers must narrow down the documents and timeframes, which will be the focus of redaction. In cases where government resources are limited, this process can be particularly challenging.

Adding to the challenge of determining the scope of the problem is the increasing demand to remove documents and/or sensitive data specifically for sworn law enforcement officers, public officials, victims of domestic violence and their respective families, and other categories of individuals claiming protection. This expanding list of people seeking privacy is particularly challenging to the recorder, as the recorder is the *'keeper of the record'* and legislation does not clearly define how the protected parties will be identified; how long a record would be considered private; or how to determine the family linkage.

Property records are among our most valuable possessions in the United States, essential to our security in owning homes and businesses, and they make possible the transfer of land assets freely from one person to another.

Automated Redaction Defined

Redaction has been defined as the act of covering or otherwise removing from the public record or public view any sensitive, private, or confidential information. For each request for copies of public records, the recorder risks releasing PII.

Consider the volume of land-related records. For every transaction where a parcel of land or real property changes ownership, a voluminous collection of documentation follows. Title and mortgage/loan information, liens, court records, and related documents all have some effect on the disposition of real property. Varying types and amounts of PII can be found within these documents. Transaction documents such as deeds, mortgages (or deeds of trust), and assignments are sent to the recorder for constructive notice and permanent archiving. Another part of the recorder's responsibilities is to make the documents accessible, which may require redacting PII in those documents.

Today, both the public and private industry generally demand an electronic information exchange. As a result, more and more recording jurisdictions are adopting electronic technology to manage their core business operations. Based on this shift, communication is becoming more electronic. Document sharing no longer consists of sending volumes of paper documents but allowing access via online computer applications.

Bearing in mind the potential for identity theft, information security is important. To comply with statutes requiring open access to public records while protecting individuals' PII, recorders rely on automated redaction. Advanced technology can be utilized to save labor costs and eliminate a significant percentage of tedious data review and manual tasks.

See PRIA paper on [Automated Redaction Technology](#).

What percentage of documents contains data to be redacted?

The percentage of PII contained in land records which require redaction is less than 1.5% of all documents recorded and less than 1% of all pages recorded.

Samples from several counties follow.

Greene County, MO (population range 250,001-500,000)

Year	Total Docs	Total Pages	Sensitive Docs	Sensitive Doc %	Pages In Sensitive Docs	% Pages in Sensitive Docs	Total Redactions
2019	48,139	258,389	356	0.74%	1,904	0.74%	619
2018	51,107	254,692	521	1.02%	2,436	0.96%	761
2017	56,419	271,187	460	0.82%	1,666	0.61%	526
Total	155,665	784,268	1,337	0.0258	6,006	2.31%	1,906

Average Page Count Per Doc 4.983517968

Orange County, CA (population range greater than 500,000)

Year	Total Docs	Total Pages	Sensitive Docs	Sensitive Doc %	Pages In Sensitive Docs	% Pages in Sensitive Docs	Total Redactions
2019	550,694	2,796,925	9,184	1.67%	35,210	1.26%	10,027
2018	491,760	2,321,052	8,973	1.82%	33,978	1.46%	9,652
2017	565,925	2,657,460	8,863	1.57%	31,745	1.19%	9,470
Total	1,608,379	7,775,437	27,020	0.0506	100,933	3.91%	29,149

Average Page Count Per Doc 5.041342745

Fairfax County, VA (population range greater than 500,000)

Year	Total Docs	Total Pages	Sensitive Docs	Sensitive Doc %	Pages In Sensitive Docs	% Pages in Sensitive Docs	Total Redactions
2019	222,595	1,219,842	3,805	1.71%	5,940	0.49%	4,088
2018	193,880	915,219	3,117	1.61%	5,214	0.57%	3,263
2017	207,323	1,044,960	2,903	1.40%	4,888	0.47%	3,089
Total	623,798	3,180,021	9,825	0.0472	16,042	1.53%	10,440

Conclusion

It is important that key stakeholders understand that government services and available data are not contributing to the erosion of privacy or personal security. As busy legislatures grapple with redaction laws, they are wise to avoid costly and ineffective blanket solutions that may not totally appease a worried public. Lawmakers should also be mindful that legislation does not adversely impact constructive notice elements in their jurisdictions to impair the chain of title for real property. Some information is widely available online and embarking on an expensive redaction effort may not actually result in protecting individuals.

Bearing in mind the potential for identity theft, information security is of paramount concern.

- Redaction is the most popular answer to masking data in the public record from public view.
- Redaction is the process of removing sensitive data from the publicly viewable government record.
- Redaction allows sensitive, private, and confidential information, which is exempt by law from disclosure, to be concealed in a manner that does not alter the meaning of the record. To comply with current statutes and laws that provide open access to public records without exposing individuals' PII, officials are responding with the utilization of both automated and manual redaction tools.

Automated redaction software can help counties make their land records available in a secure manner. Advanced technology can be harnessed to save labor costs and eliminate a significant percentage of tedious data entry tasks.