



COALITION FOR SENSIBLE PUBLIC RECORDS ACCESS

The Benefits of Commercial and Personal Access to Public Records

The Coalition for Sensible Public Records Access (CSPRA) is a non-profit organization dedicated to promoting the principle of open public record access to ensure individuals, the press, advocates, and businesses receive the continued freedom to collect and use the information made available in the public record for personal, commercial, and societal benefit. This paper addresses legislation and rules that discriminates against commercial and personal use of public records by restricting use, raising the cost, or making access more difficult.

It is often said that we live in an information economy. The natural resource on which that economy depends is information and public records and commercial users of those records are a critical source. Public and private data is used in combination to equalize access to business opportunities, provide convenient and personalized customer service, increase markets and market efficiency, and manage and reduce risk. These uses contribute substantially to economic growth. Such use is so ubiquitous, it is easy to forget that good information leads to the decisions, marketing, and communications that help businesses get started or grow. Through equal and reasonable access and pricing for all users of public information, we achieve a greater democratization of opportunity that strengthens the vitality of our entrepreneurial and small business sectors.

Americans for centuries have depended on the commercial and trade use and resale of public records in nearly every important function and aspect of our lives. Whole industries and systems depend on public information to function or function properly. When bills limit access to public records, unintended consequences are likely because public records are a critical source of the truth in our society and the many uses of public records are not well understood or appreciated. Like any good system, these uses are mostly invisible and unnoticed by those whom they serve.

Unfortunately, this means these uses of the truth can be taken for granted or stepped on without knowing the harm being done. Consider the following top activities that nourish our lives and our prosperity and that depend on accessible, complete, accurate, and truthful public records:

1. Life Events

Many critical and routinely valuable events in our lives depend on the accessibility and truth of public records. A reliable system of recording property owners and for assessing the credit worthiness of buyers and sellers means we can securely and economically buy and own a home, a vehicle, investments, and consumer goods of all kinds. The truth about those places and people who care for our youngest, oldest, infirm, and most needy helps us make the right choices and better protect those we love. When our good behavior is reflected in an accessible and true public record, we are rewarded with work and life opportunities fitting our skills and character. Even the everyday life events depend on the truth—for instance, when we check a web site to see how well a restaurant complies with the health code or a contractor complies with safety regulations.

2. Person and business locator services

Whether we are seeking to recover a debt, to fairly administer justice and law enforcement, enforce a law, collect child support, find witnesses and bail jumpers, or just find an old friend, a long lost ancestor, or a new business, we often use public records to find who and what we need.

3. Background screening for personal and workplace safety, security, and to protect vulnerable populations

William Shakespeare said, “Love all, trust a few.” In a world fast approaching seven billion souls and millions of businesses, how can we know whom to trust? Who has been convicted of serious crimes? Who is a sex offender? Who is a good credit risk or a safe driver or successfully employed? Given even the most obsessively long-lived extroverted individual could only briefly meet a few hundred thousand people in a lifetime, what happens when we need to trust a person we do not know? This is the essence of why background screening has been a growing, well-used, and well-liked process and business. We live in a global village without any of the communal and shorthand knowledge of the traditional village that helped us make rational risk-benefit decisions. The public, “unspinnable” record of a person’s and a company’s history is a rare and precious commodity that stands in for the knowledge of the

village. The background check, substituting in the Internet era for what talking to one's neighbors used to accomplish, allows citizens of our connected world to make these risk-benefit decisions.

4. Public safety-- detection, response, mitigation, and intervention

Public records and the value-added services on which they are based are key investigative tools for government agencies, law enforcements, and security firms. The intelligent use of such records can prevent and detect fraud related to credit cards, health benefits, insurance, and mortgages. Public records are often used to do identity verification of both individuals and businesses to detect, mitigate, and prevent ID theft and fraud and help a victim recover their reputation after the crime. In addition to crime fighting, public records are key in product and vehicle notifications and recalls. They are also used to provide car history keeping sellers honest and letting buyers know of potential safety hazards from damaged cars.

5. Helping residents exercise their right to know by indexing and adding value and services to public records

Many public records systems are by themselves sufficient to meet a particular need. Yet, these systems were never intended to meet all needs. Government sometimes struggles to keep up with new technology or new uses for public records. Non-profit groups, residents, commercial enterprises, academic institutions, press entities and others fill in the gaps and expand the utility and accessibility of public records. Aside from being a valuable activity in its own right, these creative value added public records systems are great enablers of many other productive and useful endeavors. For example, public mapping and satellite systems contributed to what is now a well-known and appreciated success story known as GPS and personal navigation systems. There are countless others that enrich our lives and improve our productivity that would be harmed by limits on commercial uses of public records.

Please consider how our public records system at all levels of government is a part of the nation's critical information infrastructure. This infrastructure is a key competitive advantage for American businesses, entrepreneurs, and consumers and supports our democracy. Please do not destroy one of the precious advantages our capitalist democracy enjoys: a truthful, open, accessible set of public records for commercial and personal benefit.