

Newspaper writers can hurt our openness efforts



Public records are not harming society

We should spend more ink on the benefits of access to information.

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One of the pet peeves of the hotline attorney for the Missouri Press Association is writers of major publications who editorialize and “columnize” about the issue of public records. Oh, understand I’m all for columns about access to public records and how wonderful that is. (Yes, I have a slight prejudice on this issue.) What frustrates me is when writers explore the subject and conclude that there are too many records available to the public.

For example, take a look at a recent article by Jason Fry, writer for the Wall Street Journal. Jason starts by saying the Web appeals to our sense of voyeurism in that it allows us to find out all about our neighbors and friends. He mentions specifically that one can find out what a neighbor paid for their house (well, in Missouri about all you can find out in most counties is the value the assessor places on that house) and which neighbor has given money to a particular candidate.

Then, he goes on to say this kind of behavior ranges from “nosiness” to being “gauche” to being “creepy.” But he goes from that to saying that having public records online, such as deeds and court records, is scary. And he invokes the phrase that is akin to “Al Qaeda terrorist” for observers of this discussion, he throws out that this leads to “identity thieves.”

But wait, there’s more! Then he introduces the reader to a woman in Virginia who, having nothing else to do with her life, spends her days mailing letters to persons alerting them that personal information is online. This woman even has her own website. (I guess this constitutes a website in support of closing public records. I have it, but I’m not going to encourage her by posting it in this article.)

Our “friend” Jason does take a moment from his advocating of this position for an important note that these documents are available in their complete and unedited format at your local courthouse and are already computerized there. “Open records are a longstanding American tradition,” he notes (Thank you, Jason) as an aside to this paragraph.

His point is that this easier access to documents has created, in his words, a “mess.” He does note that counties are working to keep Social Security numbers from public records, and in fact quotes one county official who properly notes that the goal is to keep these numbers from the paper records, rather than focusing on what is on the Web. In fact, that representative points out in Jason’s article that one of the benefits of on-line access to real estate records — obtaining a mortgage or refinancing now can be done in a speed that years ago was not possible, contributing to the recent real estate boom.

Jason also talks about a website in Sweden that allows citizens there to compare salaries of others in similar jobs, facilitating the negotiations of pay raises. (He notes that if you request such information in Sweden, the information about your request is made available to the person whose information you’ve requested, which creates a whole new twist to this story. Openness on top of openness. At the same time, when you are talking about public records in their physical form at the courthouse or county seat, at present there is no requirement that you identify yourself before access is given. Do the rules change when what you are discussing is something other than information collected by public bodies?)

One must credit Jason for concluding in his article that part of the solution to this issue will be to focus on efforts to make identity theft more difficult and easier to recover from. He notes that theft of trash from our home

is probably a bigger risk than identity theft from the Web, a point that probably should have had greater prominence in this study. (Of course, then it wouldn't have been sexy enough for the Wall Street Journal, probably - they don't do many stories about identity theft by persons who steal your trash, I suspect.)

My biggest peeve is that our friend Jason fails to note the most important facet of this story. The Wall Street Journal, probably as much or more than any other publication in the country, relies on public records for its stories. What would the Journal do if its access to public records were shut down? There is no way a national publication like that would be able to cover the stories it does across the globe without access to public information available online. How would its business plan change if such access were barred?

My point is that all of us who rely on public information to do our job should spend more ink talking about the benefits to be gained from access to information from our desktops and on how our government can beef up its operations to prevent misuse of such information by the bad guys, rather than spend our ink moaning about how terrible it is that criminals steal this information and do harm with it. The problem is not with the access, it's with the use of the information and that's where the focus needs to be.

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