

INVESTIGATION REPORT

INVESTIGATION P98-011

**An investigation concerning the disclosure of
personal information through public property registries**

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Executive Summary

In September, 1996, the City of Victoria announced it was becoming the first municipality in Canada to provide property assessment information to the public through the Internet. The City's Information Systems Manager stated:

Our new system will make available property assessment information to the public via the City of Victoria's home page, twenty-four hours per day, seven days a week. Our goal is to provide increased service to our customers through easy and quick access to the information.

The new service would allow the public to search the database by property owner's name, address and Roll number. Further search would yield the location of the property, assessed values, actual values, legal description, current year tax levy and "other related information about the property." On the first day of operation, "Assessing OnLine" received more than fifteen thousand visitors--most of those local.[1] Until then, the City of Victoria had received an average of twenty-five to thirty calls per day inquiring about property assessments.

The ensuing commotion focused attention on the unintended consequences of automating databases which have traditionally been regarded as "public" databases. The City of Victoria was caught off guard by public criticism accusing them of running roughshod over the privacy of property owners in Victoria, when in fact, the information it provided over the Internet could be accessed through a number of other sources, including the BC Assessment Authority, BC OnLine and the Land Title Registry.

Nonetheless, the Office of the Information and Privacy Commissioner received a number of complaints from citizens concerned about their privacy. In response to these concerns, the City of Victoria removed the names of the homeowners from the Internet site until the privacy issues could be investigated more thoroughly. The Commissioner's Office undertook to conduct such an investigation and issues this report as a summary of its findings.

Specifically, the Commissioner's report focuses on the privacy issues surrounding the publication of personal information in property databases. It examines the wider assessment system and most specifically, the BC Assessment Authority (BC Assessment), which assumes the lead role in the property assessment system in British Columbia. The actions of the BC Assessment Authority are guided by the *Assessment Act*, the *Assessment Authority Act*, and the taxing provisions in a number of statutes such as the *Municipal Act*, *Taxation (Rural Area) Act* and the *Vancouver Charter*.

This report begins by examining the general premise that property information, whether in the custody of the Land Title Branch, BC Assessment or one of the many municipalities or regional districts, is "public" information. There is a widely-held assumption that information in such "public" registers need not be protected at all, or that only very limited protections are needed.[2] It is this Office's position that public records pose a challenge to the privacy rights of citizens and, once in digital format, pose an even greater challenge to those privacy rights. Digital technology fundamentally changes the nature of public records as the paper record decomposes and becomes discrete pieces of information that can be searched, manipulated and reconfigured in ways that may improve efficiencies but were never intended by the legislature.[3]

In short, from a privacy perspective, information which is "public" information is vulnerable to misuse, particularly when the information is provided in an electronic format. One of the goals of the *Freedom of Information and Protection of Privacy Act* is to limit the collection, use and disclosure of personal information by public bodies. The Act presumes that personal information, for example, your name and address, will be collected and used by public bodies for a specific purpose, and disclosed only in limited circumstances, as permitted by law, for the original purpose, or for a purpose consistent with the purpose for which it was obtained.

Property databases are made available for inspection to permit the comparison of the value of one property to another for taxation purposes. However, these databases can be used for inappropriate purposes. They can be used to compile mailing lists for solicitation; as a locational device to track down the address of another person; as part of a financial profile or simply to satisfy a curiosity about another person. The Office of the Information and Privacy Commissioner does not believe that information collected for the purposes of property tax assessments should be accessible for unauthorized purposes nor exempt from the privacy protections set out in Part 3 of the *Freedom of Information and Protection of Privacy Act*.

This Office acknowledges that obvious benefits accrue to society through the availability of public databases such as the Assessment Roll, the Corporate Registry, and Land Title Registry. Volumes of business transactions depend on the quick availability of such information. Furthermore, the availability of other sorts of records, such as court records, promotes greater accountability of public bodies and serves an educative function. The debate concerning public records centers on striking the balance between providing personal information that is necessary and useful to realize a public policy goal, while at the same time protecting the privacy of the data subjects as much as possible. The challenge, from our perspective, is to develop information guidelines which promote the policy goal while at the same time give individuals some control over the use of their personal information contained in a particular database.

To achieve this goal, we make four recommendations.

The first is that property registries such as the Assessment Roll should be searchable by *property address only*. This would prevent the Assessment Roll from being used as a locational device and protect, to a certain extent, those vulnerable people who have an interest in suppressing information which would reveal their home address.

Second, we are recommending that those public bodies which make available property information clearly state the legitimate purposes for which property registries may be inspected, and discourage any other use of those registries.

Our third recommendation is that in the case of bulk sales of property registry data, whether in electronic, microfiche or hard copy format, the name of property owners should be suppressed.

Finally, provisions should be made to suppress personal information in cases where individuals can reasonably demonstrate that disclosure of their personal information would jeopardize their safety, or that of their family.

1. Scope of this Report

This report examines the creation and use of property databases maintained by BC Assessment and the various municipalities and districts. It examines how the personal information of property owners, specifically their names and mailing addresses, are collected, used, and disclosed by BC Assessment and/or by taxing jurisdictions. This report also examines whether these activities conform with the **fair information practices** contained in sections 26 through 34 of the *Freedom of Information and Protection of Privacy Act* and offers comments and recommendations which we regard as a contribution to an ongoing discussion about public databases. We note, as a starting point, that the *Freedom of Information and Protection of Privacy Act* does not exempt "public records" from the fair information practices articulated in the legislation.

"Fair information practices" form the basis of virtually all privacy legislation worldwide, including the BC *Freedom of Information and Protection of Privacy Act*. They incorporate the following principles:

- the principle that the existence of any government databases containing personal information is known to those whose personal information is contained therein. This is also known as the principle of transparency
- the principle that the government will minimize the collections of personal information from its citizens, and collect *only* what is necessary and relevant for government activity to be carried out
- the principle that the reason the personal information is collected, and the administrative uses of any personal information collected, will be established in advance and made public--this is also known as the principle of transparency
- the principle of establishing and requiring responsible "keepers" of personal information systems
- the principle of controlling linkages, transfers and interconnections involving personal information
- the principles of requiring accuracy and completeness in personal information systems
- the principle of requiring informed consent for the collection of personal information
- the principle of protecting against "data trespass" or wrongful disclosure of personal information, including civil and criminal penalties for abuses of that information.
- the requirement for special rules for protecting sensitive personal information
- the right of access to, and correction of, personal information
- the right to be forgotten, including the ultimate anonymization or destruction of almost all personal information when the information is no longer relevant

In British Columbia, these principles are incorporated into the *Freedom of Information and Protection of Privacy Act* and specifically require that public bodies:

- obtain personal information by lawful means (section 26)

- collect personal information, whenever possible, directly from the individual to whom it pertains (section 27)
 - inform the individual of the purpose for collecting his/her personal information, the authority for collecting it and how that information will be used (section 27)
 - protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal (section 30)
 - use the collected personal information *only* for the purpose for which it was collected (the primary purpose) or for a purpose consistent with the purpose for which the personal information was obtained (sections 32 and 34)
 - prohibit the use of the personal information for other (secondary) purposes without that person's consent (section 34)
 - disclose personal information only in limited circumstances (section 33)
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2. An Overview of the Property Assessment System in British Columbia

The property assessment system in British Columbia is essentially a two-step operation involving the BC Assessment Authority and taxing authorities.

In 1974, the British Columbia Assessment Authority was created by the *Assessment Authority Act* and replaced all of the municipal and provincial government assessment offices. BC Assessment operates as an independent, publicly-funded corporation whose mandate is to produce and maintain uniform property assessments throughout the province. The newly-created Assessment Authority replaced the previous system whereby individual municipalities assessed properties within their own borders. Under the *Assessment Act*, all properties in British Columbia are classified in terms of use (residential, farm, industrial, etc.) and given an estimate of actual value by an appraiser. Sales information from the Land Title Branch is sent to BC Assessment where it is used to develop common units of comparison and corresponding values. Residential properties are assessed on a number of variables, including size, layout and age, as compared to similar properties in the same area, available services, neighbourhood influences and local market conditions. This provincial property database contains information on approximately 1.6 million properties.

This information is used to form the basis of the Assessment Roll. The Roll is produced exclusively for the various taxing authorities such as the City of Vancouver, municipalities, regional districts, towns, villages and the province. Each entry in the Assessment Roll contains a number of prescribed items, including the property owner's name, property owner's mailing address, Assessment Roll number, civic address of the property (which may be different from the property owner's home address), and actual value of the land and improvements. Notices of assessment are mailed to all property owners on the last day of the calendar year.

The property assessment may be appealed by anyone, whether or not they have an interest in the property. The appeal, called a "complaint," must be filed in writing with the Court of Revision by the 31st of January. The Court of Revision is required to hear all appeals and authenticate the

Assessment Roll by the following March 31. The decision of the Court of Revision can be appealed to the Assessment Appeal Board, provided the appeal is filed by April 30.

The assessment database is broken down by local tax jurisdiction and delivered to each jurisdiction once the Roll is completed. This is repeated in April after the Roll is authenticated by the Court of Revision. This Roll forms the basis of the local Property Tax Roll, which is prepared by each local government. Section 366 of the *Municipal Act* requires the municipal tax collector to prepare a property tax Roll from the authenticated Assessment Roll. To the assessed value of the land and improvements, municipal treasurers apply the appropriate tax rate and calculate the gross property taxes and fees owing. While the Assessment Roll is prepared by BC Assessment, the Property Tax Roll belongs to the taxing authority. Tax notices are then sent to property owners by the municipal tax collector.

3. The Assessment Roll and the *Freedom of Information and Protection of Privacy Act*

Content of the Assessment Roll

Section 3(1) of the *Assessment Act* requires the Commissioner of the BC Assessment Authority to complete a new Assessment Roll and mail an assessment notice to each property owner on or before December 31 of each year. Section 3(3) of the *Assessment Act* further provides that the Assessment Roll shall contain information specified by regulation under the *Assessment Authority Act*. BC Regulation 497/77 (*Assessment Authority Act Regulations*) requires the following information be contained on the Assessment Roll:

- owner's name
- owner's mailing address, if different from the property address
- short description of the property being assessed (usually its street address)
- classification of the property
- actual value of the land and improvements
- method to appeal the assessment
- any additional information required by the Assessment Commissioner (e.g. Assessment Roll number, property identification number, assessed value from previous year).

Purpose for which personal information may be collected

Section 26 of the *Freedom of Information and Protection of Privacy Act* requires public bodies to collect personal information directly from the individual the information is about, unless another method of collection is authorized by another enactment. The personal information collected during the preparation of the Assessment Roll is the name and mailing address of the property owner. We note that the mailing address may not be the same address as the property address. However, overwhelmingly, both the mailing address and the property address, if the property is a residential address, is likely the home address of the property owner.

The collection of information is "expressly authorized" under an Act if the Act or regulations under that Act states that the information must be collected. As the *Assessment Authority Act* Regulations require that the name and address of the property owner be included on the Roll, the personal information is collected in a manner authorized by section 26(a).

How personal information is to be collected

Section 27 of the *Freedom of Information and Protection of Privacy Act* goes one step further by requiring public bodies to inform individuals from whom it collects personal information, of the reason the personal information is collected, and the authority under which it is being collected. This notice may be suspended if it would defeat the purpose for which the information is collected.

BC Assessment does not usually collect the name and mailing address of the property directly from the property owner. Typically this information is collected indirectly from the Land Title records. This is authorized by section 3(4) of the *Assessment Act*, which requires the assessor to "use the information contained in the records of the land title office as those records stood on November 30 of the year in which the Assessment Roll is completed."

BC Assessment does not notify homeowners that it is collecting personal information or the purpose for collecting the personal information, other than to tell property owners after-the-fact in the Property Assessment Notice that "[t]he purpose of this notice is to provide you with an estimate of your property value. This information will be used by the provincial government, municipalities, regional districts, and hospital districts to calculate your [current year] property taxes."

More importantly, BC Assessment does not notify property owners of the numerous *secondary* uses the database is put to, an issue which is discussed later on in this report.

Open to inspection

The Assessment Roll is made available for public inspection under the authority of section 8 of the *Assessment Act*, which states: "[o]n completion by the assessor, the real property Assessment Roll shall be open to inspection during regular business hours."

Local governments set tax rates on their budgetary requirements, and a property owner's share of the overall tax burden is determined by the assessed value and classification of his/her property. As the value of one property may affect the value of another and hence the distribution of the tax burden, the right to appeal the assessment of property extends to all citizens and to all properties, regardless of the ownership interest.

The Assessment Roll has historically been open to the public as a critical factor in promoting fair and equitable property assessments. The public policy reason for making the Roll "open for inspection" is that it promotes equity in the taxation process by enabling precise comparison of the value of one property to another in the same area. Property owners can then be satisfied that the assessor has treated like properties equally, and the property tax burden is assumed to be

equitably shared. The question then becomes, how much *personal* information must be disclosed to realize this public benefit, and are there ways of realizing the benefit without unduly jeopardizing the privacy of citizens?

Public Access to the Assessment Roll

The information on the Assessment Roll is repackaged in several forms and can be accessed by the public in a variety of ways at a variety of locations, with or without charge. The Roll is available for viewing free of charge in hard copy and on microfiche at any Assessment Authority Area Office, for a fee through BC OnLine, and available for purchase in its entirety on microfiche and in electronic format through BC Assessment.

Assessment Authority Area Offices

Each of the 22 offices of the BC Assessment Authority makes available assessment information pertaining to properties within its jurisdiction. This information may be viewed in hard copy over the counter in the area office. No information is given out over the telephone. Between December 31, 1997 and January 31, 1998, BC Assessment received approximately 7040 office visits. This is a small number when one considers that there are 1.6 million properties on the Roll. As the Roll is available to anyone for inspection, but access is not monitored, it cannot be determined if those visits were from property owners, curious citizens, private investigators, realtors or those compiling mailing lists. However, BC Assessment is confident that the visits were "from members of the public questioning their assessments ... many of these taxpayers used the microfiche or paper versions of the Assessment Roll available in area offices to compare their assessment with those for other properties." [4]

In discussions with the Office of the Information and Privacy Commissioner, BC Assessment said their staff have observed people at Assessment Area offices with lap-top computers, where they sit and input batches of information from the Assessment Roll for unknown purposes, which could include the compilation of mailing lists.

BC OnLine

The Assessment Roll can be accessed for a fee through BC OnLine, an electronic database currently administered by the Information Technology Services Division (ITSD) of the Ministry of Employment and Investment. Other databases found on BC OnLine include the Land Title Registry, Corporate Registry and the Personal Property Registry. The impetus for BC OnLine was to provide a mechanism whereby business and government could easily access information necessary for general business transactions.

Clients subscribe to one, a combination, or all of the databases. There are no restrictions as to who may become a subscriber to BC OnLine. On November 1, 1997, BC OnLine had 6,077 customer accounts, although not all of those are "active." Of the 6,077 accounts, 1,525 were simple charge accounts without on-line access to data; 4,552 accounts were granted on-line access to data.

Access to BC OnLine is governed by the BC OnLine Terms and Conditions set by ITSD, which permit only the subscriber to access the database with the appropriate passwords, called "userids". (As of November 1, 1997, there were 20,162 userids attached to the 4,552 on-line accounts.) For a fee, subscribers can access information from the published Assessment Roll. Other information on the Assessment Roll database includes Land Title Information and property sales history. BC OnLine provides the ownership and assessment information from the last completed Assessment Roll.

Every transaction on BC OnLine produces an audit trail. What this means is that every time a property listing is accessed, BC OnLine creates a record identifying who viewed the information. Audit trails are one way of protecting the privacy of individuals because anonymous viewing of records is impossible. During fiscal 1996/97, a total of 366,047 searches of the Assessment Roll were done through BC OnLine. BC Assessment offers three types of searches, at different prices, which produce different reports with increasing amounts of detail. Last year, 160,692 searches were done by full fee paying customers, which include the private sector and crown corporations, 197,110 searches were done by governments (including municipalities) and 8,245 searches were done by "no fee" users, which are either BC OnLine staff (testing or assisting customers) or Government Agent Branch staff. The latter pay no fee to BC OnLine, but collect statutory fees from the public when they sell information over the counter.

In 1996, fifty-three percent of Assessment Roll searches were generated from crown corporations, municipal, provincial and federal governments. The bulk of the private sector users of BC OnLine are financial institutions, lawyers, insurance companies, and realtors, who rely on assessment data for lending, conveyancing and insurance transactions.

From a privacy perspective, the fee structure of BC OnLine provides a disincentive for people to "browse" through the database, since every access to every property record costs money. It thus would be prohibitively expensive to construct a mailing list of property owners using BC OnLine. In addition, usage of BC OnLine access to assessment information is monitored by BC Assessment.

BC OnLine can be searched by name. In the interests of privacy protection, it would be preferable if the database were searchable by *property address only*. If this were the case, confirmation of ownership would take place through a search by address, rather than confirmation of the property address through a search by name. Information required for any transaction using BC OnLine assessment data would remain available; however, a person's home address could not be located through a simple name search.

The BC Government is considering the privatization of the electronic carrier function of BC OnLine. This has raised serious privacy concerns among different organizations, such as the Canadian Bar Association, which is concerned that this privatization venture could create problems of confidentiality, access, cost, and use of the data within the BC OnLine system by a private carrier beyond what was originally intended:

The request for proposals (for the privatization of BC OnLine) states clearly that the purchaser will be allowed to create "value added services". This opens up a number of new possibilities in

providing data, such as buying or adding new data to the existing data collection; generating new kinds of information from combined data sources (e.g. matching government data with third party credit, insurance, telephone or other data), providing new views of data (all mortgages held by a particular bank; all the properties which have no mortgages registered, etc.); providing information about who is searching for what; or provide a "watch for change" service which responds to events like the registration of changed ownership or when a specific person becomes a director of a company.[5]

The government consulted the Office of the Information and Privacy Commissioner regarding appropriate privacy and confidentiality language in the outsourcing process. We made recommendations concerning specific references to the *Freedom of Information and Protection of Privacy Act* and clear wording concerning confidentiality, security, custody and control, data matching, and disclosure.

Microfiche

BC Assessment sells the Assessment Roll on microfiche. There are no criteria with regard to who is able to purchase the Roll on microfiche. Rather, BC Assessment restricts the use of the information in the microfiche. On the microfiche Order Form, purchasers must sign the following agreement:

I acknowledge that the microfiche is sold on the understanding that it will not be used nor made available:

1. for obtaining addresses for solicitation or mailing purposes of any kind,
2. in any way to harass members of the public, or
3. for any purpose that is contrary to law.

"Misusing the data" is defined by BC Assessment as using the information to produce mailing lists or to harass the public. "Harassing the public" includes unwanted contact with the public such as telephone solicitation or sending junk mail. BC Assessment does not require harassment to be of an ongoing nature; one incident of prohibited behavior is sufficient for a determination of "harassment." [6] BC Assessment pointed out that it is often difficult to determine whether a property owner's name and address was taken from the Assessment Roll as opposed to other data sources, such as the phone book, Land Title registries, the Canada 411 reverse database or other private directories. Our concern is to ensure that the BC Assessment database be used in compliance with fair information practices in a manner which is transparent to those whose personal information is contained therein.

In 1996 two hundred organizations or individuals purchased the Assessment Roll on microfiche. Most of those were financial institutions, real estate companies, appraisers and governments.[7] Other purchasers included public libraries, mortgage corporations, property management companies, septic services, churches and private citizens.

Bulk Electronic Data

Assessment Roll information is also available on computer disk or magnetic tape. There are no restrictions on who can purchase this information in electronic format. As of November, 1996, fourteen organizations had purchased the Assessment Roll in electronic format. Of the fourteen, ten were real estate boards, two were utility companies, one was Revenue Canada and one was a private data corporation, which uses the information to "determine real estate trends, research previous sales and determine legal descriptions." [8]

The same restrictions apply to bulk electronic data users as microfiche users, specifically that the information will not be used for solicitation or mailing purposes and will not be used to harass members of the public. BC Assessment does not audit or monitor the uses of the data by bulk electronic data purchasers.

The MLS Database

Although the MLS database is not open to the public, it warrants some attention in this report. BC Assessment supplies electronic copies of the Assessment Roll to the British Columbia Real Estate Association (BCREA) pursuant to a written reciprocal data-sharing agreement.

The BCREA states that:

Under this agreement, the BCREA agrees to provide to the Assessment Authority information on all listings and sales processed through the MLS system. This allows the Assessment Authority to have up-to-date and accurate information on property valuations for assessment purposes. The information obtained by the Association in return is essential for the efficient operation of the real estate market. It allows members to accurately value properties throughout the province, obtain comparable tax data, and to confirm ownership before entering into any listing or other agreement. [9]

BCREA is charged a fee for the database which is calculated by the number of folios and the number of licensees. Access to the database requires the member to sign an agreement, which contains restrictions on the use, copying, and disclosure of the information they access. That agreement specifically provides that the user will not use, disseminate, copy, or otherwise exploit the database to or for the benefit of any service bureau, database supplier, directory publisher, or marketing firm or agency. The members also specifically agree to refrain from using the information to obtain addresses for solicitation or mailing purposes, or for use in any manner or for any purpose which is contrary to the public interest or is otherwise improper. [10]

The BCREA has implemented progressive security guidelines to protect the integrity and confidentiality of the data it receives. They include: unique passwords, audit trails, system logs indicating excessive run times, reviews of unsuccessful access attempts, alarmed secure physical environments and secure disposal of hard copy media. [11]

Access to the BC Assessment data is restricted to licensed realtors who are members of BCREA and to fee appraisers who subscribe to MLS services. BC Assessment requires adherence to data security guidelines, which include unique userids, log records of each transaction and now bulk downloading of the information.

BC Assessment has twice permanently revoked the access privileges of licencees for using the information for solicitation purposes.

Our Office asked BCREA why it was necessary for them to access the name and address of every property owner, particularly since the name and address do not factor in the valuation of property, which is the primary objective of the agreement. BCREA responded that "knowing the names of the individuals in their trading area allows realtors to better serve the public in real estate transactions by understanding that community."

The business needs of BCREA must be balanced against the privacy interests of individual homeowners. At any given point in time, only a fraction of the 1.6 million properties in the province is up for sale. While property owners selling through MLS consent to the use and disclosure of personal information in signing an MLS listing agreement, the remaining property owners do not. The reason the Assessment Roll is created is to assist the public in assessing taxation equity. The use of the *property-related* information on the Roll by the BCREA to value properties is not inconsistent with that purpose. Having said that, providing full access to the names and addresses of all homeowners in a given area, (irrespective of whether or not their houses are for sale) to facilitate a greater "understanding of that community" by a realtor does not appear to be an appropriate secondary use of the personal information in the Assessment Roll.

Revenue Generated from the Sale of Information from the Assessment Roll

BC Assessment collectively refers to the various forms of the Assessment Roll (i.e. microfiche, bulk electronic data etc.) as "products." In 1997, BC Assessment generated approximately \$2.3 million in revenue through the sale of these various products. This includes \$1.6 million from BC OnLine access and \$84,000 for sales of the Roll. BC Assessment anticipates that this amount will reach \$3.2 million by the year 2001.[12] BC Assessment is financed primarily through tax levies (95%) with approximately 4% of overall revenue derived through the sale of services.[13]

Disclosure of personal information

Section 33 of the *Freedom of Information and Protection of Privacy Act* describes the *only* circumstances in which personal information collected by a public body can be disclosed, either in response to a request, or in the absence of a request. The disclosure of the names and addresses of property owners through the Assessment Roll is done through section 33(d), which states "a public body may disclose personal information only for the purpose of complying with an enactment of, or with a treaty, arrangement or agreement made under and enactment of, British Columbia or Canada.

BC Assessment explains:

Section 33(d) permits BC Assessment to disclose this information because such disclosure is "for the purpose of complying with an enactment." Again the *Assessment Act* and the *Assessment Authority Act* direct names and addresses of property owners be set out in the Assessment Roll.

Given the terms of these two Acts, there is no room for BC Assessment to exercise discretion in this area. Therefore s. 33(d) authorizes the disclosure." [14]

Our Office agrees that disclosure of the name and address by making the Roll available for inspection is required by the *Assessment Act* and, hence, permitted under section 33(d) of the *Freedom of Information and Protection of Privacy Act*. It remains less clear, however, whether "open to inspection" can be interpreted broadly enough to include placing the personal information on the Internet or selling it for secondary purposes to commercial interests in electronic format.

"Secondary uses" of personal information are disclosure or use of such information for a purpose other than that for which it was originally collected. Secondary uses of databases containing personal information are restricted by section 33(c) of the *Freedom of Information and Protection of Privacy Act*. That section permits the secondary disclosure of personal information for the purpose for which it was obtained or for a "use consistent with that purpose." Disclosure of personal information for a "consistent purpose" must meet a two-part test. First, the personal information must have a "reasonable and direct connection" to the original purpose for which it was obtained, and the disclosure must be "necessary for performing the statutory duties of, or for secondly, operating of, a legally authorized program of, the public body that uses or discloses the information."

It is problematic to suggest that the sale of the entire database is necessary for the purpose of property comparisons or is a use consistent with the reason the personal information was collected in the first place. The sale of the database and/or the ability to download the database from the Internet, for example, creates problems of secondary usage. Once the information has been sold, there are very few controls over what happens to the personally identifiable information contained therein. This is a source of growing public concern. In the United States, most of the information contained in commercial information services is derived from public databases, and repackaged in formats that permit automated searches by name of individual citizens. [15]

4. The Municipal Property Tax Roll

The Assessment Roll is prepared on behalf of each local government for the *sole* purpose of establishing uniform property values against which property taxes are levied. The Assessment Roll is divided by taxing jurisdictions and delivered to each Municipal Treasurer. Information from the Assessment Roll is used to establish the municipal Property Tax Roll. It is important to note that property *taxes* cannot be appealed; only the property *assessment* can be appealed.

Section 366 of the *Municipal Act* requires the municipal collector to prepare a Property Tax Roll, which may be an extension of the Assessment Roll. In smaller jurisdictions, the municipal collector and the municipal treasurer may be the same person; in larger jurisdictions they may be two separate positions. Section 367 of the *Municipal Act* requires the collector to create a property tax Roll using the following information from the Assessment Roll:

- a short description of the property
- the name and address of the assessed owner and of a person claiming notice of assessment and taxes
- the taxable value of land for general municipal taxation purposes and separately for other purposes
- the taxable value of improvements for each purpose

In addition to this, the collector sets out the taxable value of the property, the combined net taxable value of land and improvements taxed for general municipal purposes, school taxes, taxes or charges for collection, the amount of taxes in arrears and delinquent taxes and any other particulars directed by the council.[16]

For each parcel of land on the Assessment Roll, the collector sends a demand notice to the assessed owner. The notice contains, among other things, a short description of the property; the taxes imposed, separately stated; credits available; other taxes or charges; and dates when penalties will be imposed for non-payment.

Section 361 of the *Municipal Act* states "on completion by the assessor, the Assessment Roll must be open for public inspection without charge at all convenient hours." As part of this investigation, the Office of the Information and Privacy Commissioner surveyed 95 municipalities and districts to determine what information from the Assessment Roll was made available to the public through their offices and how the public accessed that information. A sample of those responses:

Survey Summary Local Government Access Mechanisms & Procedures Assessment Roll

- Without written permission of the property owner, the public may only consult the hard copy assessment rolls. (City, Fraser Valley, population 100,000)
- Public can access information by telephoning Municipal Hall or by coming in to view assessment roll in hard copy or on microfiche. Can copy information by hand or ask for photocopies for a fee. (District, Lower Vancouver Island, population 10,000)
- Public can access all information via telephone, mail or fax except the mailing address if different from the property address.(City, mid-Vancouver Island, population 40,000)
- Public can access assessment roll and outstanding property tax charges by written or verbal request. Selective information in the property files is made available to the public. (District, Central British Columbia, population 2,000)
- Public can view a printout of the assessment roll and can make notes, but copies of the information are not provided. Tax demand notices and statements of taxes outstanding are provided to the public in response to fax, telephone or over-the-counter requests. (Township, southern Vancouver Island, population 16,000)
- Requests for information contained in the assessment roll will be routinely available under the FOI Act. If it is known that an inquiry is for business solicitation purposes, this is regarded as an unreasonable invasion of privacy. (City, Okanagan, population 75,000)
- Public can look up property information by way of counter-top computer terminals using geographic location or civic address. Can also access assessment roll on microfiche or hard copy. (District, Fraser Valley, population 50,000)

- Most information is released verbally. (City, West Kootenays, population 16,000)
- Public can access assessment roll at front counter and can get photocopies of individual pages. Financial information about individual tax accounts can be obtained by telephone or in person. (District, southern Vancouver Island, population 18,000)
- Public must complete an access to information form to obtain property information.(District, Fraser Valley, population 6,000)
- Requests for information relating to property are made at the front counter. Information is provided at no charge to owner. Assessment data is made available upon inquiry. (District, population 2,000)
- Requests for property information can be made in person, by mail or telephone. Property owners may receive copies of information pertaining to their properties. (District, Cariboo, population 4,000)
- Public can access property information by counter request, assessment roll, phone and fax. No written policy with respect to the copying of property information. (City, East Kootenays, population 40,000)
- Public can access property information in person, by phone or by fax. (District, northern BC, population 5,000).

The fifty responses that we received revealed a wide variation in what information was supplied and how it was accessed by the public. This patchwork quilt of release provisions contributes to uncertainty and confusion among public bodies entrusted with the management of public records and reinforces the need for guidelines in this area. We received several comments from municipalities concerning their confusion over which statute, the *Municipal Act* or the *Freedom of Information and Protection of Privacy Act*, governed the disclosure of property information and how to resolve the apparent contradiction.

With respect to public access to personal information on the Assessment Roll at municipal locations, the Union of British Columbia Municipalities stated:

It is our view that in the public version of the Assessment Roll, an entry for an individual property does not need to display the owner's name or home address, if the owner's address is other than that of the property in question. The property address itself, along with related property information such as the Roll number, legal description, and assessment information such as the property classification(s), and assessed value of land and improvements, should be sufficient data for owners trying to compare the value of neighbouring properties for purposes of an appeal.[17]

We agree that municipalities must continue to receive the Assessment Roll intact in order to carry out their legislated mandates and to provide services to taxpayers. We also agree with the position of UBCM that "municipalities should be vigilant in how information is displayed for public inspection and cognizant of the need to protect personal privacy whenever possible." [18]

5. How does Publication of the Name and Address Ensure Taxation Fairness?

As we have established, the Assessment Roll is provided in a variety of ways through the Assessment Authority and through local governments. We asked a number of stakeholders why it is necessary to disclose the *name and mailing address of the property owner* to determine whether a property has been equitably assessed. After all, it is the property that is under scrutiny, not the homeowner--why, then, should the name be required for comparative purposes? We also asked why, if the issue of equity only applies to properties within one taxation jurisdiction (i.e., within the boundaries of the municipality), why the entire Roll is made available for inspection, and not simply those properties within the relevant tax boundary?

We received several responses to these questions, which can be divided into ten general categories.

Names & Address--Required by Legislation

BC Assessment correctly states that the regulations under the *Assessment Act* specify what information is to be contained on the Assessment Roll. The regulations require that the name and address of the property owner be included on the Roll.

Necessary to accurately identify property

The Rolls are open to the public to permit comparisons of property values. BC Assessment states that if one neighbour wishes to compare his/her property to another, that search is generally conducted by name, and if the search is conducted by property address, the name confirms that the property identified is the correct one.[19] From a privacy perspective, it is significant to note that hard copies of the Assessment Roll cannot be searched by name, but by address only.

BC Assessment indicates that the Roll is crucial to identifying properties, especially in rural areas, where parcels of land are generally referred to by name, (i.e., Old McDonald's Farm) rather than street address. A Roll without names would make accurate identification of rural properties more difficult. Legal descriptions and parcel identifier numbers have little practical value in identifying a parcel of land. BC Assessment states that "loss of the name from the Roll would jeopardize the ability of potentially hundreds of thousands of rural property owners in determining whether their assessments are fair. As a result there would be inequality of treatment for these property owners vis-à-vis urban property owners who might rely only on addresses." [20] Property owners compare the value of similar properties, which, in the case of residential properties, are generally those in the same neighbourhood within the boundaries of the municipality or district.

This being the case, why are the names and addresses of *all* property owners in the entire province made available for public inspection? Property owners in Saanich would never need to access the name and address of a homeowner in Kelowna or in Smithers to determine whether their own property in Saanich had been equitably assessed. Obviously, if someone in Saanich owned property in Smithers they would require access to the Roll in Smithers, but the question remains as to the availability of the entire Roll to anyone who wishes to browse through it. Our

office believes the *Assessment Act* is far too broad in this respect. In an ideal privacy world, access for the purpose of property comparison should be limited only to properties within the taxing jurisdictions in which property is held. This is the case with municipalities and districts, whose property records are restricted to properties within their jurisdiction. We do not believe, from a privacy perspective, that the case can be made for availability of the entire Roll, nor do we believe that the case can be made that equity and fairness dictate unrestricted access to the entire Roll.

The BC government is instituting a province-wide 911 emergency call system. In order for such a system to operate, every property in the province will be required to possess a street address, which should eliminate the rural property identification problem. Of interest is the fact that the original plan was to include the name and address of the occupant/homeowner in the 911 database. However, as quick responses to 911 calls depend on the address of the emergency, rather than the name of the afflicted, it was determined that the system did not require personal information. In response to recommendations from our Office, the content of the database contains street addresses only.

Necessary for determining tax liability

BC Assessment states that the name must be included on the Assessment Roll for the purpose of determining who is liable for property taxes. The property owner is liable for the property taxes, and subject to penalties for non-payment. The amount of property taxes cannot be appealed; only the property *assessment* can be appealed.

The Assessment Roll names the property owner. Section 40 of the *Assessment Act* allows a person to appeal the name of the property owner, if "the name of a person has been wrongfully inserted in, or omitted from the Assessment Roll." BC Assessment states that making ownership information on the Assessment Roll open for inspection minimizes errors in determining tax liability by permitting property owners to correct any wrongful inclusion or omission from the Assessment Roll.[21]

Necessary to understand the Assessment Roll

Not all properties are subject to taxation; some are exempt by virtue of ownership. For example, properties which are owned by schools, churches and charities may be subject to a different taxation scheme than neighbouring properties.

BC Assessment points out that the *Assessment Act* enables certain residential properties to be valued in a manner distinct from the rest of the neighbourhood. If the owner of such a property has lived in, and owned, the property for more than 10 years, the property is in a redevelopment area and the owner applies by the deadline, then the property may be eligible for valuation taking into account only its current use. An example of this is a house nestled among office towers where the owner has chosen not to sell to developers to make way for further office tower expansion. If the owner has lived there, in a single family dwelling, for the past ten years, then the property may be assessed based simply on its current residential use without considering potential alternative uses. Additionally, a number of properties are entitled to other statutory tax

benefits, such as exemptions from taxation. BC Assessment submits that "removal of the name of the owners in these situations would make these exemptions or those provisions of the *Assessment Act* incomprehensible to the public." [22]

Convenience

According to BC Assessment, having the names on the Assessment Roll makes it much more convenient for the public to compare property values. BC Assessment reports that between early January (when assessment notices are received by property owners) and January 31, 1998 (the deadline for filing appeals) they received just over 7,000 office visits from people questioning their assessments and examining the Roll.

Efficiency and Effectiveness

The Ministry of Municipal Affairs stated that another reason for making the system open is it will reduce the number of property assessment appeals, as property owners will have better information on which to make decisions whether to appeal an assessment. It states that this promotes efficiencies in the system. [23]

BC Assessment credits the openness of the Assessment Roll to an increase in public confidence in the property valuation system. From 1993 to 1998 the total number of appeals to the Courts of Revision has dropped from 49,085 to 28,496, or from 3.5% to 1.8% of all properties valued. [24]

The time frames for filing an appeal have not changed, and citizens have the right to appeal property assessments delivered by December 31, but *only if the appeal is filed before the following January 31*. The Roll is open to permit the comparison of one property relative to similar properties to assist homeowners in deciding if their property has been assessed fairly and to assist them in choosing whether or not to appeal their property assessment. We believe that making the Roll available for public inspection after the yearly deadline for filing an appeal has expired is inconsistent with the fair information principle that personal information should not be made available for purposes other than those specified. By removing the time limits for viewing the Roll, the legislature unwittingly increased the chances that personal information would be accessed by those without a legitimate interest in the information. BC Assessment responds that individuals taking an appeal on to the Assessment Appeal Board or defending their assessment when a third party is appealing may wish to check the assessments of comparable properties, and these types of situations can occur any time during the tax year.

Scrutiny of property assessments of prominent citizens

Another reason given for the transparency of the system is that the public should be able to verify if property owned by certain classes of people, for example assessors or politicians, are valued on the same basis as other comparable properties. [25]

The flip side of this argument is that high profile or vulnerable individuals may be subject to surveillance or harassment through the publication of their names and property addresses. This is especially so if the data is in electronic format and is easily searched by name. People who may

be vulnerable include estranged wives of violent husbands; jurors, judges, police officers, medical doctors, athletes, entertainers, journalists, psychiatrists and politicians.[26]

In our opinion, the issue of vulnerable people is not insignificant. Women who are in the process of leaving abusive relationships are vulnerable to harassment or violence from their partners. Certain occupations such as transition home workers, physicians, abortion clinic staff, police officers, and psychiatrists are inherently less safe and the fact that their home addresses can be tracked down through the public property registries increases the threat of harassment or violence. BC Assessment has taken proactive steps to permit the removal of the street addresses of properties of vulnerable people, where it can be demonstrated that publication would place them at risk.

To assist in the functions of local government

The Union of British Columbia Municipalities (UBCM) correctly points out that the information supplied to the municipalities by BC Assessment is done for the mandated purpose of levying and collecting local taxes, fees and licences, and for the fulfillment of other legislated functions such as tax sales, business licensing, bylaw enforcement, and public safety services.[27] UBCM states "Given the property-oriented nature of the local government system, all these functions are dependent on the local government's property database for their operation, and require that the property owner be readily identifiable to local government staff, for safety, financial liability, or public participation reasons."

The Assessment Roll is created for the use of municipalities. It is entirely appropriate for the information to be used for the purposes described above.

To ensure fairness in province-wide levies

Property values are used to determine province-wide levies, for example, the BC Assessment Levy and School Taxes. According to BC Assessment, it is therefore necessary that citizens have rights of access to *all* properties on the Roll. Under the *Assessment Act*, citizens of the province have the right to appeal *any* property assessment, regardless of ownership interests and geographical location. The argument is that, if province-wide levies are based on the value of all of the properties within BC and the tax burden shared among those properties, then the entire Roll must be made available.

The rationale for making the Assessment Roll available on a province-wide basis is weakened in our view when the appeal statistics are examined. In 1997 there were 1,592 third party property appeals (compared to 21,311 owner/agent appeals). We are aware that the number of third parties who appeal the property assessment of a property *outside* their municipal tax boundary is a very small percentage of all appeals.

Crucial to businesses who serve the public

The BC Real Estate Association takes the general position that "access to comprehensive public databases is crucial to businesses who serve the public. Competition in a global marketplace

requires access to data that will serve a consumer's need to know what is available on a public database, and who they are dealing with in a transaction. Limiting the ability of a consumer's agent to have secured access to a publicly funded database is a denial of the consumer's right." Specifically, the BCREA states that the name on the Roll is "crucial for sale of properties in rural areas" and that "full access to public data has reduced the cost of property transactions, helped to eliminate fraud, and significantly reduced the time it takes to participate in real property ownership." [28] Furthermore, BCREA states that the names and addresses permit realtors to "better serve the public in real estate transactions by understanding that community."

The reason the Assessment Roll is open for inspection is to permit comparisons of similar properties to promote an equitable taxation system. In our view, the uses of the names and addresses on the Roll for activities such as canvassing who is living in a neighbourhood for the purpose of developing a selling plan is an example of "function creep." "Function creep" refers to secondary uses of a database which are not connected or only vaguely connected with the original purpose for which the database was created.

With respect to the use of the database by the BCREA, those who choose to list their properties with a realtor and hence on the MLS Service have consented to the disclosure of their names and addresses for purposes of selling that home. We remain unconvinced that the *entire* list of names and addresses should be provided to the BCREA in order for realtors to be able to price a home correctly or conduct market research.

6. "Open to Inspection"--A Broad or Narrow Interpretation?

How broadly should the phrase "open to inspection" be interpreted? Does it include the sale of the entire Assessment Roll or placing property databases on the Internet which can be downloaded and repackaged? The reason the database is made public is critical to this analysis. To assist our analysis, we examined the legislative and public policy history surrounding the Assessment Roll.

Legislative History

Residents of this province were first given the legislative right to access the Assessment Rolls in 1957 through section 347 of the *Municipal Act*, S.B.C. 1957, c. 42. Unfortunately, historical documentation is sparse as to why access was provided for in that Act. Hansard reports do not exist for 1957.

The assessment and tax Rolls in 1957 served more than one purpose. They were handwritten, and were not available in duplicate. This created practical problems as the daily tasks of municipal staff who required access to the Roll were routinely interrupted to permit public viewing of the same Roll. Access became a legislative requirement to ensure the Roll was available to taxpayers for at least one month out of the year, without specifying the month. The practice of making the Roll available the month prior to the appeal deadline was pragmatic and

permitted municipal workers to work on the Roll the remainder of the year undisturbed while ensuring public access during critical times.[29]

When the *Assessment Act* was introduced in 1974, section 8 provided that the Assessment Roll would be "available for inspection during business hours." Access was no longer restricted to a thirty-day period. Nothing in the legislative record indicates why this was done; section 8 was approved by the committee on June 13, 1974 without comment. In 1977, section 52 of the *Assessment Amendment Act, 1977 (No. 2)* amended the *Municipal Act* to provide for year-round public access to the property Roll. Again, there are no records regarding the committee's discussion of the amendments.

The issue of public accessibility to property information was addressed in two reports. The first, *The Real Property Tax in British Columbia--An Analysis*, was prepared for the BC School Trustees Association in April, 1972, two years before the *Assessment Act* was introduced. The report commented on the taxpayers' poor understanding of how property was assessed and taxed and their uncertainty as to whether their property was equitably assessed.[30] The report went on to say that lack of access to the Assessment Roll was an "obstacle" to the taxpayers' ability to ensure properties were assessed according to a similar standard.[31] It concluded that taxpayers should be given access to more information about taxes to improve their understanding and that this access should extend throughout the year.

The second report, *Commission of Inquiry on Property Assessment and Taxation: Preliminary Report of the Commissioners*, was prepared in 1976, after the introduction of the *Assessment Act*, but before the access provision in the *Municipal Act* was amended. In the mid-1970's, the McMath Commission was created by Order in Council to look into how property assessment and taxation in British Columbia could be improved. Although the Commission was disbanded before it was able to complete its inquiry, it produced a preliminary report on July 30, 1976. The McMath Commission found that the public was concerned that "practically no public access to assessment information" was available, and that they were "unable to obtain information they need to proceed properly with an appeal." [32]

Plainly, the public policy reason the Roll was made more accessible was to promote greater awareness and to increase the credibility of the property assessment system by allowing citizens to compare their assessment with those of similar properties to determine whether their properties were equitably assessed.

Absence of a definition

"Open for inspection" is not defined in either the *Assessment Act* or the *Municipal Act*. We conducted a search of all provincial statutes which contain inspection provisions and found that none defined the term "open to inspection." However, it is interesting to note that a number of those Acts specified *where* records were to be located during business hours, and many specifically provided a separate right to take copies of the record under inspection. The frequent requirement that a record be kept in a particular location so as to be "open to inspection" implies that the public are expected, in those circumstances, to attend a specific geographical location in

order to inspect the records. This is the current situation with respect to BC Assessment area offices where members of the public must attend *in person* to inspect the Roll.

Section 27 of the *Interpretation Act* states that "where an enactment power is given to a person to inspect or to require the production of records, the power includes power to make copies or extracts of the records." Obviously then, the power to inspect includes the power to make a copy of whatever is being inspected.

However, the phrase "open to inspection" is further qualified in the *Assessment Act* and the *Municipal Act*. "Open to inspection" is permitted "at all convenient hours" and "during regular business hours," which clearly implies limits to public accessibility. Does the term "open for inspection" mean unlimited access, at any time, to anyone, for any purpose? Should access be to a particular record for a particular purpose, or should access be permitted to the complete collection, for any purpose whatsoever? It is unlikely the legislature contemplated that "open for inspection" would eventually include the sale of the entire Roll or placing the property registries on the Internet where anyone could browse through it and download it anonymously. The current wording of the *Assessment Act* and the *Municipal Act* does not unambiguously support this either. Roger Clarke of the Australia National University has commented on the problem of imprecise language with respect to public registers:

The original purposes for which `public registers' were created were often implicit rather than being expressed in any official form, and are hence open to interpretation. In some cases, it has suited the interests of various parties to presume that the purposes were all-encompassing, and access and use accordingly completely open. The result has been that considerable function creep has occurred in respect of some collections (i.e. there are many uses for purposes that have little to do with the apparent purpose of the database... this situation was somewhat problematical before information technology matured; but it is now exacerbated by a range of new capabilities, most critical of these are greatly enhanced abilities to search data. Collections that were once searchable using a primary key only (such as the address of a property or the name of a telephone subscriber), can now be readily trawled, or to apply the currently fashionable term, `mined.' [33]

The rapid advances of digital technology and the ability for systems to compile, analyze, and disseminate massive amounts of information, including personal information, create new problems, since the information is used for purposes beyond the public policy reason for making it public. Commercial interests support the easy and quick availability of this information and we do not dispute the commercial value of public records. We simply make the statement that public bodies have a duty to safeguard the personal information of ordinary citizens from misuse and suggest that the current system of data protection is inadequate for this purpose.

Conclusions and Recommendations

Once a database is rendered "public" by statute or practice, the ability to control who accesses the information and for what purposes is all but lost, whether the database is in paper or computerized format. However, computerization is making it easier to gather, sort and compile the personal information contained in "public" registries, such as property registries, for unauthorized or inappropriate purposes. As public agencies continue to automate databases, the limited privacy protections inherent in earlier manual paper searches is weakened further. The experience of the City of Victoria starkly illustrates this point.

The Assessment Roll is made available for public inspection to permit the comparison of one property assessment to another, to evaluate whether a property has been equitably assessed. The names of the property owners are included in the databases primarily to *confirm* the identification of the property. In this regard, the personal information of the property owner is necessary but *secondary* to the property information.

The Assessment Roll should not, therefore, be searchable by the name of the property owner, *but only by property identifiers*. The distinction is subtle, but critical. If the system were not searchable by name it could not be used, for example, to run the names of all women working at a particular transition home, the name of an arresting police officer, a high profile politician or a doctor who performs abortions to determine where they lived. However, if you were appealing your property assessment and wished to examine the value of a home five doors down, the ownership information would be available, but *only* if you knew the address of the property.

Where inappropriate usage of the Assessment Roll cannot be controlled, it should be discouraged. The reason why the Assessment Roll is made public should be stated, either in legislation or in a policy statement, and clearly communicated to those wishing to search to database. Furthermore, such statements should define unrelated or incompatible uses of the personal information.

Obviously, information from the Assessment Roll must be used in the conveyancing of properties and in the mortgage and insurance businesses. Such transactions require confirmation of property values. Accessing this information, on a case-by-case basis, is an appropriate use of the information. Providing the Roll to municipalities is necessary for them to carry out their civic mandates in accordance with the law. These are all appropriate uses of the Assessment Roll and consistent with the purpose for which it was created. The critical point is that personal information in the property registries should be accessed by the public and by businesses on a *case-by-case* basis. Access to the name and property address of the property owner should be limited to targeted uses consistent with the original purpose for which it was collected. One of the fundamental principles this Office promotes under the *Freedom of Information and Protection of Privacy Act* is that the right information needs to reach the right person at the right time for the right purpose. The bulk sale of the Assessment Roll and the personal information contained therein is incompatible with the principle of targeted access and use of the information on a case-by-case basis. Access to the personal information in the database should be limited to a particular record, and not to the complete collection.

In the interests of finding an appropriate balance between the need for disclosure of the names and addresses of property owners for certain transactions and the right of citizens to control the

primary and secondary uses of their personal information, we make the following recommendations:

Recommendations

Recommendation #1

The public should only be able to search real property registries, whether in paper or electronic format, by the address of the property.

Recommendation #2

Registry users should be clearly informed of the legitimate purposes for which property registries may be inspected, including prohibitions and limitations on unrelated uses, such as the compilation of mailing lists.

Recommendation #3

In the case of bulk sales of property registry data, whether in electronic, microfiche or hard copy format, the name of the property owner should be suppressed.

Recommendation #4

Where an individual has reasonable grounds to believe that disclosure of their personal information would jeopardize their safety, or that of their family, and they provide an alternate mailing address, BC Assessment should amend the Assessment Roll to make this substitution.

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Footnotes

- 1 "Cybersnoops know where you live" Vancouver Sun October 7, 1996.
- 2 "Privacy and Public Registers", Roger Clarke, address to the IIR Conference on Data Protection and Privacy, Boulevard Hotel, Sydney, May 1997.
- 3 In the Balance: Toward a Model for Public Stewardship of Electronic Government Records, Final Report of the Governor's Work Group on Commercial Access to Government Electronic Records, November 1996, Washington State Department of Information Services, page 14-15.
- 4 Submission of BC Assessment, December 5, 1996, page 10.
- 5 Bartalk Newsletter of the Canadian Bar Association, Vol. 9, No. 5 October 1997.
- 6 Supplementary submission of BC Assessment, February 7, 1997, page 3.
- 7 Supplementary submission of BC Assessment, February 7, 1997, attachment
- 8 Supplementary submission of BC Assessment, February 7, 1997, page 3.
- 9 Submission of the BC Real Estate Association, November 5, 1996, page 2.
- 10 Submission from the British Columbia Real Estate Association, November 5, 1996, page 3.
- 11 Submission of the BCREA, November 5, 1996, attachments.
- 12 BC Assessment Submission, December 5, 1996, page 10.
- 13 The Assessment Answer Book, BC Assessment Authority, 1995 page 5-1.
- 14 Submission of BC Assessment, December 5, 1996, page 9.

15 In the Balance: Toward a Model for Public Stewardship of Electronic Government Records, Final Report on the Governor's Work Group on Commercial Access to Government Electronic Records, Nov. 1996, Washington State Dept. of Information Services, pp. 17-19

16 *Municipal Act*, section 426

17 Submission of UBCM, November 21, 1996, page 1.

18 Submission of UBCM, November 21, 1996, page 4.

19 Submission of BC Assessment, December 5, 1996, page 10.

20 Submission of BC Assessment, December 5, 1996, page 11.

21 Submission of BC Assessment, December 5, 1996, Page 12.

22 Submission of BC Assessment, December 5, 1996, page 10.

23 Submission of Ministry of Municipal Affairs and Housing, December 23, 1996 Page 2

24 Assessment Newsletter, May 1996 and BC Assessment Court of Revision Statistics

25 Submission of Ministry of Municipal Affairs and Housing, December 23, 1996 page 3

26 Ibid. cite 2 page 7.

27 Submission of the UBCM, November 21, 1996, page 2.

28 Submission of the BCREA, June 3, 1997, page 3.

29 Interview with Mr. Bill Headon, (former Deputy Assessment Commissioner, Support Services, BC Assessment Authority) , June 1997

30 *The Real Property Tax In British Columbia--Analysis--Research Report Prepared for the BC School Trustees Association*, Philip H. White and Stanley W. Hamilton, Faculty of Commerce and Business Administration, University of British Columbia, p. 29.

31 Cite 15, p. 35.

32 *Commission of Inquiry on Property Assessment and Taxation: Preliminary Report of the Commissioners*, July 30, 1976, p. 192.

33 Ibid., Cite 2, page 5