



Information Shielding Best Practices



What are best practices to approach information shielding?

The following best practices represent an approach that achieves protections for at-risk individuals without impeding the transfer or financing of real estate or creating a risk for fraud.

- Permitted access should be available to:
 - Someone with a signed release from the protected individual or court order;
 - Licensed professionals with existing consumer privacy/confidentiality requirements (attorneys, title professionals, assessors, etc.);
 - Licensed entities with a signed confidentiality agreement with a government entity.
- State-wide uniform standards and processes must be followed to ensure all records pertaining to an individual are properly shielded.
- Names contained in a record index must not be shielded or redacted. Records must be discoverable within the public records index, which should include a flag indicating that the document has been shielded.
- Shielding requests should be time limited to minimize long-term impact on the real estate conveyancing system and ensure the continued accuracy of the public records. A renewal request can be submitted every four to six years.
- A process for record restoration must exist to facilitate real estate transactions and transfers, or administration of a will.
- Authorized access to shielded government records should be available electronically, as well as in-person, to allow for social distancing measures and, absent a public health necessity, to accommodate access for non-local authorized parties.
- Government entities and third parties should maintain robust records to track and log access of shielded records.

How do these laws work with public records?

State programs with minimized impact on the public records have taken one of two approaches:

1. In [Arizona](#), an eligible person files an affidavit with the court to prohibit the general public from accessing personal information. If approved by the court, an order is issued directing the clerk to prohibit public access to the information. The prohibition on public access expires after a period of time, generally 4-6 years. Access for real estate/title professionals is available.
2. In [Minnesota](#), an eligible person files an application with a state agency, usually the Attorney General or Secretary of State, to certify eligibility for the program. Once certified, a participant may file a notice to prohibit public access to government records containing personal information. Access for real estate/title professionals is available.

The methods above provide effective solutions that balance protecting at-risk parties and allowing necessary access to public records. Other approaches, such as full redaction, are less effective and can lead to potential unintended consequences. County property recorders have the responsibility to implement and adhere to these laws and adequate funding is required to ensure effective shielding processes.