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The Office of Information Practices (OIP) is authorized to issue this advisory opinion under the Uniform Information Practices Act (Modified), chapter 92F, Hawaii Revised Statutes (HRS) (the UIPA) pursuant to section 92F-42, HRS.

ADVISORY OPINION

Requester: Ms. Holly Huber
Agency: Property Assessment Division, City and County of Honolulu
Date: August 4, 2011
Subject: Mailing Addresses and Social Security Numbers of Real Property Owners (APPEAL 11-19)

Requester asks whether the Honolulu Real Property Assessment Division properly withheld all mailing addresses and social security numbers when responding to Requester's request for the 2011 Oahu Assessment Notices under part II of the UIPA.

Unless otherwise indicated, this determination is based solely upon the facts presented in Requester's letter dated February 14, 2011, and attached materials; Requester's e-mail dated February 23, 2011; a telephone conversation with Requester in February 2011; a letter dated March 7, 2011, from Gary Kurokawa, the Division's Administrator; telephone conversations and a meeting with Division staff in February 2011; and an e-mail dated April 1, 2011 from third party Yianni Pantis of CoreLogic to the Division's Steven Takara.

QUESTION(S) PRESENTED

1. Whether the mailing addresses of property owners as shown on real property tax assessment notices must be disclosed under the UIPA, even when the mailing address is a home address different from the site address.

2. Whether a redacted version of a property owner's social security number, leaving visible the last four digits, must be disclosed under the UIPA.

BRIEF ANSWER(S)

1. The mailing address of record for a property owner is "real property tax information" and as such is subject to mandatory disclosure under the UIPA. HRS § 92F-12(a)(5).

2. A property owner's social security number is not "real property tax information" subject to mandatory disclosure, and falls within the UIPA's exception for information whose disclosure would constitute a clearly unwarranted invasion of personal privacy. HRS § 92F-12(a)(5) and -13(1). Disclosure of only the last four digits of a property owner's social security number would result in a likelihood of actual identification of the full social security number, so the Division properly denied access to the last four digits of property owners' social security numbers.

FACTS

Requester sought the Division's 2011 Oahu Assessment Notices in electronic database form. According to Requester, the Division initially redacted entries in the following fields:

Addressee [row 28]
Care of Addressee [row 29]
Mailing Addressee Street Address [row 30]
Mailing Addressee City, State [row 31]
Mailing Addressee Country [row 32]
Mailing Addressee Zip [row 33]
Special Assessment Type (dedications/multiclaimant) [row 50]
Special Assessment Type (dedications/multiclaimant) [row 51]
Note [row 52]
Exemption applicant SSN (last 4) #1 [row 132]
Exemption applicant SSN (last 4) #2 [row 133]
Exemption applicant SSN (last 4) #3 [row 134]

The address fields reflect the mailing addresses for property owners. The Division did not redact the information fields reflecting the site address of the property being taxed. Requester has stated, though, that in her review of the prior year's Oahu Assessment Notices, the site address information was either missing or incomplete for 6,272 properties.

The issue of disclosure of the exemption type and amount was resolved between Requester and the Division prior to the date of this opinion, leaving the dispute regarding mailing addresses and redacted social security numbers still to be resolved.

As noted in OIP Opinion Letter 02-04, the Division's previous practice had been to disclose property owners' mailing addresses. Notably, that opinion did not resolve the question at issue here, which is whether that information was actually **required** to be disclosed as "real property tax information." The Division subsequently changed its disclosure practice and began to withhold property owners' mailing addresses when the mailing address was different from the site address and appeared to be a home address. This change was based on its consultation with OIP staff attorneys providing informal advice as Attorney of the Day and OIP's general advice that an individual has a significant privacy interest in his or her home address. See, e.g., OIP Op. Ltr. No. 93-16 at 3. In providing an electronic copy of its database (the requested format in this request), the Division was not technically capable of distinguishing between different mailing addresses so as to redact only those that it believed fell within the privacy exception. The Division thus withheld all mailing addresses from the database it provided to Requester, giving rise to the current dispute over whether the addresses are "real property tax information."

DISCUSSION

Under the UIPA, government records are presumed to be open to the public, although there are exceptions to the requirement of disclosure. See HRS § 92F-11. In addition to this general presumption, the UIPA lists categories of government records that are required to be public and to which the UIPA's exceptions do not apply. HRS § 92F-12(a). One such category of records is relevant to this opinion: section 92F-12(a)(5), which requires disclosure of "[l]and ownership, transfer, and lien records, including real property tax information[.]"

The first question to be answered, therefore, is whether property owners' mailing addresses and social security numbers are "real property tax information," in which case disclosure would be automatically required. Only if the information in question is **not** "real property tax information," then we will consider whether an exception to disclosure applies.

I. Mailing Addresses

A property owner's mailing address could be considered peripheral to the function of real property taxation. Other pieces of information relating to real property taxation, such as the identity of the owner, the property being assessed, the assessed value, and the amount of taxes assessed, are more clearly essential to real property taxation than the mailing address, which in theory serves only as contact information.[1] However, third party CoreLogic argues that the mailing address

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[1] OIP notes Requester's argument that because some site addresses are missing or incomplete, the mailing address fields may be the only ones identifying the

itself has legal significance in the real property tax laws, and for that reason must be considered real property tax information. Specifically, CoreLogic points to section 246-43, HRS, which requires an annual real property tax assessment to be mailed to the owner "at the owner's last known place of residence or address," and to section 8-1.12 of the Revised Ordinances of Honolulu, which provides generally that real property tax notices are deemed to have been given when "mailed properly addressed to the addressee at the addressee's last known address or place of business."

OIP agrees that the mailing address is essential for the City to provide tax assessments and other notices under the real property tax laws. The mailing address must therefore be considered "real property tax information" as listed in section 92F-12(a)(5), HRS, so the UIPA's exceptions to disclosure do not apply and the mailing addresses must be disclosed in full.

II. Social Security Numbers

Requester also sought the last four digits of property owners' social security numbers from the 2011 Oahu Assessment Notice. Requester argues that this information serves to better identify the listed property owner. Again, we must first address whether this information is "real property tax information" that must be disclosed under section 92F-12(a)(5), HRS.

OIP notes that the category of information described in section 92F-12(a)(5) is "land ownership, transfer, and lien records," with "real property tax information" being specifically listed as such a record. OIP must therefore construe "real property tax information" to be limited to information relating to land ownership, transfer, and liens. See Singleton v. Liquor Comm'n, 111 Haw. 234, 243 (Haw. 2006) (stating that "where general words follow specific words in a statute, the general words are construed to embrace only objects similar in nature to those objects enumerated by the preceding specific words.")

While the owner's identity is clearly part of the "real property tax information," as it is a central piece of the record of land ownership, OIP finds that the owner's identity is established by the owner's name. OIP accepts Requester's assertions that the social security number helps to identify a property owner in cases of similar names and that the social security number and other supplemental pieces of identifying information in the Division's records might be used by the Division if questions arose as to whether an individual was in fact the person named as an owner. Nonetheless, the name by itself is the primary indicator of the owner's

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location of the property. This circumstance would increase the public interest in disclosure of the mailing address information; however, given our conclusion below, we need not reach the question of whether that public interest in disclosure would outweigh the privacy interest in a home address. See HRS § 92F-14(a).

identity. A property owner's social security number does not have any independent significance to land ownership or the process of real property taxation. For this reason, OIP concludes that the social security number is not "real property tax information" that must be disclosed under section 92F-12(a)(5).

Because the social security number is not subject to mandatory disclosure, OIP next examines whether the requested last four digits of the social security number fall within an exception to disclosure under the UIPA. OIP has consistently held that individuals have a significant privacy interest in their social security numbers that generally outweighs the non-existent public interest in disclosure, so that they may and should be withheld under the UIPA's privacy exception. See OIP Op. Ltr. No. 07-07 at 3.[2] OIP finds that the public's interest in better identifying property owners in cases of similar names does not outweigh those individuals' privacy interest in their social security numbers. However, OIP has not previously addressed the question of whether disclosure of the last four digits of a social security number alone would likewise be a clearly unwarranted invasion of personal privacy. See HRS § 92F-13(1).

When dealing with individually identifiable information subject to the UIPA's privacy exception, an agency may redact any information that results in the likelihood of actual identification. OIP Op. Ltr. No. 98-5 at 27. In this case, the property owners' names are known, but their social security numbers are not, so the question becomes whether disclosure of the last four digits, with the first five digits redacted, would present a likelihood of actual identification of the full social security number.

It is important to note here that the first five digits of a social security number are not random numbers, but instead reflect the time and place at which the application for a social security number was submitted. Alessandro Acquisti and Ralph Gross, Predicting Social Security Numbers from Public Data, Proceedings of the National Academy of Science, 106(27), 10975-10980 (2009), accessed at www.pnas.org/cgi/doi/10.1073/pnas.0904891106. Based on the publicly available information about how the first five digits are assigned, combined with readily obtainable information about individuals' state and date of birth, researchers testing the feasibility of predicting social security numbers from public data were able on their first try to identify the first five digits of the social security number for 44% of individuals born from 1989 to 2003 and recorded in the Social Security

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[2] Opinion Number 07-07 also noted that upon its effective date, section 487J-2, HRS, would prohibit disclosure of an individual's entire social security number, and would thus provide an additional statutory basis for withholding social security numbers. However, "a social security number that has been redacted" is specifically excluded from that prohibition, so section 487J-2 has no bearing on Requester's request for redacted social security numbers. See HRS § 487J-2(b)(10).

Administration's Death Master File. Id. Based on this research, OIP concludes that disclosure of the last four digits of a social security number alone presents a significant likelihood of identification of the full social security number. The Division, therefore, was justified under the UIPA in denying the request for the last four digits of property owners' social security numbers.

III. Conclusion

The mailing addresses of property owners are "real property tax information" and must be disclosed without exception in accordance with section 92F-12(a)(5), HRS. The Division properly denied access to redacted social security numbers from the 2011 Oahu Assessment Notices under the UIPA's privacy exception.

RIGHT TO BRING SUIT

Requester has the right to bring an action in the circuit court to compel disclosure of the record. Haw. Rev. Stat. §§ 92F-15 and -15.5(a). This action must be brought within two years after the agency denial. If Requester prevails, the court will assess against the agency Requester's reasonable attorney's fees and costs incurred in the action. Haw. Rev. Stat. § 92F-15(d).

If Requester files a lawsuit, Requester must notify OIP in writing at the time the action is filed. Haw. Rev. Stat. § 92F-15.3.

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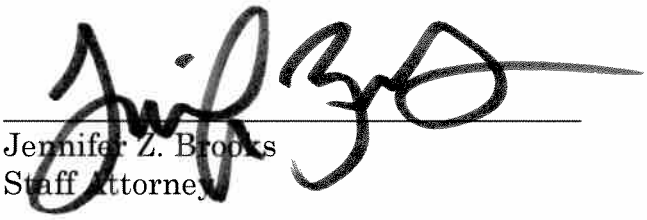

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