

OOB Continues to Hold that Names and Home Addresses Are Protected by the Constitutional Right to Privacy, but that Tax Map Parcel I.D. Numbers Are Not Protected

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In *Rosner v. Buckingham Township*, AP 2020-1364 (“*Rosner II*”), the Township redacted residents’ names, home addresses, and tax map parcel I.D. numbers from the requested invoices setting forth charges to residents under the Township’s Stormwater Management Ordinance on the basis that the names and home addresses were protected by the constitutional right to privacy and that the tax map parcel numbers were exempt because disclosure would lead to the disclosure of the protected information.

Although the Pennsylvania Supreme Court did not expressly define the types of “personal information” subject to the balancing test, the Court recognized that certain types of information, including home addresses, by their very nature, implicate privacy concerns and require balancing.

The Requester argued that the records should not be redacted because the information relates to fees that have been applied to residential properties, that he argued were either inappropriate or illegal. He further argued that there is a public benefit to releasing this information so that the residents were aware of the Township’s allegedly improper actions. In support of his argument, Requester cited to *Rosner I*, discussed in an earlier post, where the OOR held that residents’ names and addresses could not be redacted from Stormwater Management Agreements and Grant of Easement Agreements between those residents and the Township.

The OOR distinguished *Rosner I* from *Rosner II*, noting that records requested in *Rosner II* were not stormwater management agreements or grants of easement agreements. Rather, they were invoices for charges to residents under the Township’s Stormwater Management Ordinance. The OOR stated:

The OOR is unable to discern how release of the names and addresses of residents’ assessed fees would be a public benefit that outweighs their right to privacy. The Requester argues that this information, if released, would benefit those residents so that they would be aware and highlight the Township’s actions. However, these invoices are sent directly to the residents themselves and they would already be able to assess any improper action on the part of the Township. Accordingly, the public interest asserted in the *Rosner I* is not present in this matter.

Accordingly, the OOR permitted the redaction of the names and addresses.

With respect to tax map parcel I.D. numbers, however, the OOR ruled that this information was not protected. The OOR explained:

the Commonwealth Court has defined “personal identification information” as: [I]nformation that is unique to a particular individual or which may be used to identify or isolate an individual from the general population. It is information which is specific to the individual, not shared in common with others; that which makes the individual distinguishable from another. *Delaware County v. Schaefer*, 45 A.3d 1149, 1153 (Pa. Commw. Ct. 2012). While the Township argues that the tax map parcel numbers are comparable to names and addresses because both are tools to identify the location of an individual,

tax map parcel numbers are attributable to a piece of real property, not an individual; and therefore, the constitutional right to privacy is not applicable to tax map parcel numbers. See *Campbell v. Boyertown Area Sch. Dist.*, AP 2016-1966 (finding that tax parcel ID numbers are not personal information subject to the constitutional right to privacy); *Signature Information Systems, Inc. v. Mt. Lebanon Sch. Dist.*, AP 2016-2043.

Therefore, the ORR determined that the Township could not redact the tax map parcel I.D. numbers from the invoices.

As noted in the above-quoted passage, the OOR has taken the position that residential tax map parcel I.D. numbers are public but that home mailing addresses are private. Some have questioned how a tax map parcel I.D. number is attributable to a piece of property while the corresponding mailing address is attributable to individual when both identify the same piece of property and that the knowledge of one can easily disclose the other. However, until a court rules on this issue, the OOR's position is clear and Open Records Officers should be aware of this when requested records contain names, addresses and tax map parcel I.D. numbers.

If you have any questions or comments, please do not hesitate to contact Chris Voltz or any of the other Municipal and School Attorneys at Tucker Arensberg, P.C.