

Public Libraries Briefcase

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Public Libraries Briefcase: Finding & Using Public Records

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Scope

Public records or public documents are defined "as those records maintained by government agencies that are open without restriction to public inspection either by statute or by tradition" (Sankey & Weber, p. 7). Public records are most frequently used to find information about businesses, such as financial condition, or about people, such as background checks. These are records of incidents or actions that are filed with a government agency for the purposes of disclosure. Business entities use public records for environmental scanning and to gather intelligence about the competition, while individuals may use the information for making investment decisions, to find out about local businesses and contractors, and to conduct genealogy research.

Accessibility

The challenge in finding and using public records is one of accessibility. Regulated by individual state statutes access to specific categories of records is restricted in some states while in others the same records are open and unrestricted. The categories of public records most frequently impacted by individual state code include criminal histories, vehicle ownership and workmen's compensation claims – areas related to personnel background checks. Additionally the overall inconsistencies of what agencies in which states make public records available online can make the search for information frustrating.

Public records do not equate to free information, especially if the resources are maintained by private enterprises. Government agencies may charge for cost recovery, searching, photocopying, and certification fees. Public record vendors with proprietary databases frequently charge clients for "on demand" searches and for purchase or lease of database access. The cost of accessing public records ranges from modest fees for photocopying at the local court house to expensive subscriptions for proprietary databases.

Public, Personal or Private

As previously mentioned, public records are those which are filed with a government agency. However, public information is that information which the individual or business makes readily available for the purposes of communication, such as listings in a telephone directory. Much of this may be easily and readily available

through an array of resources and found without much difficulty, either through print sources or basic Internet searches.

Personal information is that information about a person or a business that may be considered private and confidential in nature. The person or business entity has expectations that the information will remain private unless it is disclosed to some outside entity that could make it public. The primary ways by which personal information enters the public domain are: by voluntary release by the individual; or, by statutory transactions because of legal requirements. Personal information, especially if it is part of a statutory transaction, such as applying for a loan, will become part of the public record.

Private information is that information over which the individual or business maintains control. While proprietary information is similar to private information, it is owned by and is for the sole use of the organization which caused its creation, and it is protected by law from disclosure, such as trade secrets. Private information is the most difficult to locate without direct contact of the person or entity that controls it.

Sources of Public Documents & Public Information

It is estimated that only about 35% of public records can be found through online sources (Sankey & Weber); much of it must be located through the agency which controls it. Government agencies are the principal resource for public records, covering all levels of government (federal, state, county, and local). There are also private companies that either purchase records or compile them through their own resources, making the records available through secondary channels, such as database subscriptions and print resources. However, private enterprises are obtaining the public records from the same government agencies to which the general public has access.

Types of Public Records Containing Business Information

Business Records: for making a business name public and protecting its uniqueness. It covers information such as records of incorporation (including names of corporate officers), partnership records, trademarks/trade names, patents and copyrights, and Securities and Exchange Commission reporting and financial data.

Liens & Securities Interest Records: to obtain financing or to secure payment of a debt. This category covers: notification about what assets have been used to secure a loan, unpaid taxes (liens), real estate and tax assessor information, and bankruptcies.

Court Records: at all levels of the judicial system (federal, state, county and local courts). Court records include: criminal records, litigation and civil judgments, and other personal court records. Some court records are protected by state law and will make the information difficult to obtain. In order to obtain court records it is necessary to know which level of the judicial system handled the particular case.

Motor Vehicle Records: includes driving history, vehicle and vessel ownership, and accident records of the investigating agency/officer. Motor vehicle records are protected by law in some states, which will make the information more difficult to obtain.

Other Types of Records: include public records for the individual and for businesses, such as address and telephone numbers, licensing and business registration, voter registration, and vital records (recording of birth, death, marriage, and divorce).

Medical Records and Worker's Compensation Records: are neither public nor closed records. They are accessible only with authorization and for a "need to know" purpose.

Web Resources

There are numerous web resources that provide access to public records, or at least guidance to locating public records. The following is a brief list of resources that provide access to public records online or guidance on how to obtain access to public records.

Annual Reports for Investors (<http://www.annualreports.com>): Annual reports are accessible in their original formats. The user can search by company name, ticker symbol, industry, or sector. There is also an alphabetical index of all companies providing reports. All reports are free, and no registration is required.

Better Business Bureau (<http://www.bbb.org>): Reliability reports are provided on complaints and other claims filed against registered companies. Users can learn if specific companies are reputable by performing searches on the business's name, address, phone number, or URL.

BRB Publications Free Resource Center (<http://www.brbpub.com/pubrecsites.asp>): More than just a directory to free public records searching, the Free Resource Center also provides links to articles to assist users in public record searches. In addition, the "Public Record Newsroom" lists current items in the news relating to public records of all types.

Construction Weblinks: Public Records (http://www.constructionweblinks.com/Industry_Topics/Public_Records/public_records.html): This is a directory of mostly free websites to help the user learn different types of information about specific companies in the United States. Websites are arranged alphabetically and include bankruptcy data, earnings reports, pending litigation, and license suspensions.

EDGAR (<http://www.sec.gov/edgarhp.htm>): The Electronic Data Gathering, Analysis, and Retrieval system of the U.S. Securities and Exchange Commission organizes all corporate information that companies are required to submit to the SEC. Records users can access here include quarterly reports, registration forms, and other miscellaneous filings from 1996 to the present. All records on EDGAR are free with no registration required.

NETROnline (http://www.netronline.com/public_records.htm): This directory links the user with the appropriate website for a particular state or county office, depending on the type of records they require. Its strength is the property assessment records for both business and residential properties.

Retrieve (<http://www.retrieve.com>): This resource serves as a gateway to services on hundreds of websites that provide public records free of charge. Searches can be conducted by personal name, business name, address, or telephone number. For businesses, it provides financial, legal, trade-related, and research records, many as scanned images of originals. The user can view property records and even satellite imagery of both business and residential properties.

Public Records Finder (<http://www.publicrecordfinder.com>): Both business and personal public records are indexed in this comprehensive database. Nationwide searching is available, broken down by categories including business records, corporate tax forms, legal research resources, and professional licensing information.

Search Systems (<http://www.searchsystems.net>): One of the most comprehensive sites for many different types of public records searches, from personal to corporate. It comprises nearly 35,000 databases, including those indexing OSHA claims, foreclosures, corporate reports, and several other business records. Databases are clearly labeled "Free" or "Pay" to avoid wasted time searching records one doesn't wish to pay for. One drawback to this website is the fact that unregistered users have a brief wait (approximately 20 to 30 seconds) for each database to load, during which ads are shown.

Securities Class Action Clearinghouse (<http://securities.stanford.edu/>): This database organizes all federal class action lawsuits from 1996 to the present. It provides the user with full text reports of all filings and complaints relating to each case. The database is indexed chronologically by file date, alphabetically by company name, and geographically by court of appeals.

State and Local Government Website Index (<http://www.statelocalgov.net/index.cfm>): Perhaps the most comprehensive online directory to government websites, this index provides the user with links to every department website imaginable for each level of government. The user is brought one step closer to the public records sought by being connected with the appropriate government agency, from statewide offices to the smallest branch of a city or township.

Additional Resources

For the individual or the small business entrepreneur, the local newspaper provides a wealth of public information. Many newspapers, for example, feature weekly real estate transactions for both commercial and residential properties that include purchase price, address, name of seller and buyer, and in the case of commercial properties, their zoning descriptions. Listings of bankruptcies, tax violations, crime reports, and health code violations are also frequently found in the local news. Newspapers are especially useful in locating information on privately held companies and local businesses that are not subject to the same regulation as publicly-traded companies.

M.L. Sankey and P.J. Weber. *Public Records Online: The National Guide to Private & Government Online Sources of Public Records*, 5th ed. Tempe, AZ: Facts on Demand Press, 2004. *Public Records Online* is a comprehensive primer for finding and using public records of all types. It discusses private and government resources for accessing public records, and includes state by state chapters on government online sources.

P.J. Weber and M.L. Sankey. *The Sourcebook To Public Record Information*, 7th ed. Tempe, AZ: BRB Publications Inc., 2005. *The Sourcebook* has comprehensive national coverage of public records. It includes profiles of thousands of government agencies and institutions with telephone numbers and fax numbers along with state and county maps. *The Sourcebook* also includes information about copying and certification fees.