

Written by  
Stephanie Maatta, Ph.D.  
Assistant Professor  
and  
Diane Ashoff  
Graduate Student  
School of Library & Information Science  
University of South Florida

## 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, such as court 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 each state 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 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.



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 (