

Privacy Issues and Access to BC Assessment Bulk Name Data

PRESENTATION TO THE LEGISLATIVE ASSEMBLY

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*British Columbia
Real Estate Association*

MISSION STATEMENT

**The British Columbia Real Estate Association
represents the interests of the real estate boards
and their licensees on all provincial issues.**

Executive Summary

For over two decades, the real estate industry has contracted with BC Assessment (BCA) to provide REALTORS with timely access to information, including the names of property owners, from the assessment rolls. However, after passage of the *Assessment Amendment Act* in 1999, and based upon the request of the Privacy Commissioner, BCA was required to remove the name information from the purchased copies of the assessment roll. Since December 31, 2000, the British Columbia Real Estate Association (BCREA) has been without the bulk name data.

Issue

Access to information from the assessment rolls is a significant issue for the real estate industry. BCREA acquires the bulk data to ensure the accuracy and efficiency of real estate transactions. Requiring real estate salespeople to access assessment roll name information through BC OnLine significantly and needlessly increases the cost of doing business in British Columbia. BCREA believes the additional costs cannot be justified when technology allows the information to be accessed more accurately, at a lower cost, and in a way that protects against the misuse of personal information.

Acquiring assessment roll name information through BC OnLine is also much less convenient because information is only available during business hours. Higher costs and less flexibility for salespeople result in increased risks of fraud in real estate transactions and in investors' confidence in the efficiency and efficacy of real estate transactions.

Government concerns regarding privacy violations in the context of BCA's sale of name information to BCREA are unfounded. The protections in place to guard against misuse of the bulk form assessment roll information by real estate salespeople meet or exceed those in place to guard against misuse of assessment roll information in other forms. The penalties imposed for misuse of the assessment roll contained in the *Assessment Act* greatly reduce any risk that BCREA members will, in the face of severe personal and professional consequences, access assessment roll information on anything but a case-by-case basis.

In light of the significant security, monitoring and penalties imposed by BCREA's members and BCA for misuse of assessment roll information, there is no justification for allowing BC OnLine to grant access to the assessment roll information to its subscribers for unknown purposes when BCREA members are not granted the same access to use the name information to increase accuracy and limit fraud in real estate transactions.

This distinction cannot and does not benefit the privacy interests of individuals in the province. Rather, it simply serves to bolster BC OnLine's proprietary interest in public, non-confidential information at the expense of the public and to business in British Columbia.



Solution

BCREA recommends that the *Assessment Act* be amended, as once suggested by MLA Linda Reid, now Minister of State for Early Childhood Development, to add an exception to the removal of name information to the assessment roll provided to certain professional organizations. Such an amendment would be added to s.68(4) to read as follows:

(4) subsections (1) and (3) do not apply to an assessment roll or record that is supplied

...

(d) to any entity, body or person as prescribed by regulation.

BCREA believes such an amendment to the *Assessment Act* will preserve the government's discretion to determine which bulk users meet the privacy standards articulated by the Privacy Commissioner in 1998. Only bulk purchasers must maintain these standards to retain their exemptions from the general rule that name information is removed from assessment rolls sold to bulk purchasers.



Background

For more than two decades, the real estate industry has contracted with BC Assessment (BCA) to provide REALTORS with timely access to assessment roll information. The British Columbia Real Estate Association (BCREA), as a bulk user, has obtained this information from BCA at a substantial discount from what individual REALTORS pay to use it on BC OnLine. In exchange for the assessment roll information, BCREA grants BCA access to its Multiple Listing Service® (MLS®) database, access estimated by BCREA to be worth millions of dollars in computer time.

Between 1996 and 1998, Information and Privacy Commissioner of British Columbia David H. Flaherty conducted an investigation into the privacy issues surrounding the publication of personal information in property databases – specifically, the assessment rolls. This investigation was initiated after the Commissioner received complaints from the public regarding a 1996 decision of the City of Victoria to provide property assessment information free of charge to the public through the Internet.

During the investigation, the Privacy Commissioner received and considered submissions from BCREA, BCA, the Union of British Columbia Municipalities and the Ministry of Municipal Affairs and Housing.

In his report, issued on March 31, 1998,¹ the Privacy Commissioner recommended that the *Assessment Act* be amended to remove all names from assessment rolls sold to bulk purchasers like BCREA. He also recommended users of the BCA rolls be informed about the legitimate purposes for which property registries may be inspected, and about prohibitions and limitations on unrelated uses, such as using the registries for solicitation.

Acting upon the Privacy Commissioner's report, the New Democratic government passed Bill 21, the *Assessment Amendment Act, 1998*, S.B.C. 1998, c.22 ("Bill 21") on July 30, 1998. This Act was brought into force by BC Regulation 367/98 on October 23, 1998, and the names of property owners were removed from the copies of the assessment rolls sold to bulk users like BCREA. Section 68(2) of the *Assessment Act* reflects this change where it states that

- (2) Names of individuals must be deleted from
 - (a) an assessment roll other than an assessment roll that is
 - (i) supplied under subsection (4) [to a government agency or pursuant to a *FOIPPA* request],
 - (ii) available for public inspection under section 8, or
 - (iii) accessible through the B.C. OnLine information service, and
 - (b) other prescribed records that are obtained or created under this Act.

Once these changes were enacted, BCA requested that BCREA, and other bulk users of assessment roll information, remove names from the purchased copies of the assessment roll. BCREA was allowed to continue using name information until its contract with BCA expired on December 31, 2000.

¹ *An Investigation concerning the disclosure of personal information through public property registries*, (March 31, 1998) P98-011 (B.C.I.P.C.)



Issues

BCREA

At the end of 2000, BCREA signed a one-year agreement with BCA for the exchange of MLS® and assessment roll data. The data purchased under this agreement does not include names. Currently, this data can be updated using the names included in previous versions of the assessment rolls.

As time passes, however, these updates become less accurate. BC REALTORS will be obliged to consult BCA, land title offices or access BC OnLine to obtain the name information necessary to execute a real property transaction. BC OnLine, the most accessible of these three methods, has limited business hours and charges a fee each time it is used.

Access to information from the assessment rolls is a significant issue for the real estate industry. It ensures accuracy and efficiency in real estate transactions.

Requiring real estate agents to access assessment roll name information through BC OnLine significantly increases the cost of doing business in British Columbia.

In addition, restricted access to assessment roll name information to business hours, even the extended business hours of BC OnLine, increases the risk of fraud in real estate transactions, eroding public confidence in the efficacy of real estate transactions and undermining investor confidence.

➤ **BCREA's Position**

BCREA believes the costs and risks cannot be justified when technology allows the information to be accessed more accurately, at a lower cost, and in a way that protects against the misuse of personal information.

The following actions have been taken:

- In October 1999, BCREA submitted a brief to the Minister of Municipal Affairs.
- In April 2000, BCREA made a presentation to the members of the legislative assembly on changes to the *Assessment Act*.
- In March 2001, BCREA published a position paper on *BC Assessment Bulk Names Data* setting out its position that the real estate industry ought to be able to receive names from the assessment rolls as part of its bulk data purchase.

Office of the Privacy Commissioner

The current British Columbia Privacy Commissioner, David Loukidelis, has indicated to BCREA his belief that the *Assessment Act* ought not to be amended to allow the real estate industry to receive name data as part of the bulk purchase arrangements between BCREA and BCA. His position is based, in large part, on the decision of his predecessor on this question, therefore it is necessary to consider the validity of Mr. Flaherty's concerns.



A review of the Privacy Commission's 1998 report indicates that the former Privacy Commissioner's opposition to providing owners' names in copies of the assessment rolls sold to bulk users may be expressed as follows:

1. The assessment roll, in electronic form, is more vulnerable to privacy violations than it is when viewed in hard copy form.
2. Selling the assessment roll in bulk is inconsistent with the privacy principle of targeted access.
3. The privacy interest in the personal information contained in the assessment rolls can be protected by restricting the release of the names and residential addresses of property owners when copies of the assessment roll are sold in bulk format.

Based on these concerns, the Privacy Commissioner proposed different rules for accessing the public, non-confidential information contained in property registries, depending on the format in which the information is provided.

Public Access to the Assessment Roll

BCA produces the assessment roll annually.² Traditionally, the assessment roll has been accessible by the public in several forms. Currently, information from the assessment roll may be viewed at BCA offices, accessed through BC OnLine, or purchased in bulk in microfiche or computer disk format.

BCA Offices

Section 8 of the *Assessment Act* states that the entire assessment roll must be "available for public inspection during regular business hours at the office of that assessor." To fulfill this *minimum* obligation, each BCA office makes the assessment roll, as it pertains to properties within its jurisdiction, available to the public.

By request at a BCA office, individuals are given access to the names of property owners contained in the assessment roll. Pursuant to s.69(1) of the *Assessment Act*, a person may obtain a copy of assessment roll records upon the payment of a fee.

BC OnLine

BC OnLine is an electronic database that contains information, including the names and residential addresses of property owners, from the assessment roll. In addition, BC OnLine contains other databases, including the Land Title Registry, Corporate Registry and the Personal Property Registry.

The Information Technology Services Division of the Ministry of Employment and Investment originally administered BC OnLine. In May 1999, the government of British Columbia hired Access BC Information Services Inc., a wholly-owned subsidiary of MacDonald Dettwiler & Associates, to operate BC OnLine under a 10-year licence. In article 1.1.5 of the Terms and Conditions of Agreement (revised October 2000) that govern the public's use of BC OnLine, "BC OnLine" is defined broadly to include Access BC Information Services Inc. and

. . . any owner of a Data Base, the government of the Province of British Columbia, a ministry, a crown corporation or government owned

² *Assessment Act*, s.3.



corporation or authority and includes the British Columbia Assessment Authority.³

A separate government authority maintains each database available on BC OnLine. For example, once a search of the assessment rolls is selected from the BC OnLine website, the search uses BCA code and systems to retrieve and read certain information.

Access to BC OnLine is limited to subscribers. However, there are no restrictions as to who may become a subscriber. Most subscribers to BC OnLine are businesses and organizations.

Four types of searches of the assessment roll can be completed using BC OnLine. All four yield results that include name information, regardless of who accesses the data or for what purpose. As noted above, BC OnLine is specifically enumerated in s.68(2) of the *Assessment Act* as a body that may be given access to the name information contained in the assessment roll.

Significantly, BC OnLine's mandate is not to provide information for the calculation of property taxes or to provide individuals with access to assessment information to compare property values. BC OnLine's mandate is to provide business and government with easy access to information necessary *for general business transactions*. The BC OnLine news release announcing the availability of 2001 assessment roll data specifically states that

The available reports will be of value to professionals involved in property valuation, conveyance, research and analysis. The most frequently accessed report . . . is today used by financial institutions, title search companies, law offices, insurance firms, retailers and others. It is being used to confirm real estate values, to obtain detailed property information including recent sales, to establish property ownership, to determine customer net worth and many other uses too numerous to mention.

We believe that the information contained in these reports can assist you in making sound business decisions quickly while managing risks and keeping costs down.⁴

BC OnLine databases may be searched from 6:00 am to 8:00 pm Monday through Saturday, including statutory holidays. BC OnLine charges a fee each time a subscriber accesses information from the database.

Bulk Purchase in Electronic Form

BCA sells copies of the assessment roll in microfiche and computer disk form. BCREA acquires assessment roll information in bulk form in this manner. A bulk purchaser can, subject to limitations imposed by BCA, the *Assessment Act*, and the user itself, access the information from the assessment rolls at any time.

³ BC OnLine, "Terms and Conditions of Agreement", www.bconline.gov.bc.ca/website/corporate/terms_conditions.html (date accessed: September 5, 2001).

⁴ BC OnLine, "News Release: 2001 Assessment Roll Data Now Available," www.bconline.gov.bc.ca/website/news/releases/20010228A.html (date accessed: September 5, 2001).



➤ **BCREA's Position**

BCREA believes the restrictions on providing name information in electronic versions of the assessment roll sold to bulk users cannot be justified, given the level and type of access the public is granted to the assessment roll.

Use of Assessment Roll Information

The *Freedom of Information and Public Privacy Act* (FOIPPA) empowers the Office of the Privacy Commissioner to set guidelines for the use of public data, including information contained in the assessment rolls. The FOIPPA is in many ways consistent with international policies and guidelines on privacy issues. It incorporates the following principles:⁵

- Public bodies will only collect personal information when it is essential for the delivery of some program.
- Public bodies will communicate to citizens the purpose for collecting particular pieces of personal information.
- Public bodies will generally only use personal information for the purpose for which it was collected.
- Public bodies will only release personal or sensitive information on a principled basis.
- Public bodies will enforce special rules for the protection of sensitive personal information and will actively penalize against the wrongful disclosure of such information.

According to these principles, the general scheme of the FOIPPA is to grant the public the right to access information in the possession of government bodies, while protecting from disclosure certain categories of information.

Section 33 of the FOIPPA describes the limited circumstances in which personal information collected by a public body can be disclosed. The disclosure of assessment roll information to the public is made through s.33(d) of the FOIPPA, which states that a public body may disclose personal information only

for the purpose of complying with an enactment of, or with a treaty, arrangement or agreement made under an enactment of, British Columbia or Canada.

The *Assessment Act* requires the collection of name information on the rolls and requires the assessment roll to be made available for inspection. However the disclosure and use of the information contained in the assessment rolls is limited by s.33(c) of the FOIPPA, which states that a public body may disclose personal information only

for the purpose for which it was obtained or compiled or for a use consistent with that purpose . . .

Section 33(c) directs the reader to s.34 of the FOIPPA where the term “consistent use” is defined:

⁵ Corporate Privacy and Information Access Branch *Guide to Good Privacy Practices* (Prepared September 1996, under revision March 21, 2001), www.mser.gov.bc.ca/foi_pop/main/privacy.htm (accessed September 4, 2001).



34. (1) A use of personal information is consistent under section 32 or 33 with the purposes for which the information was obtained or compiled if the use
- (e) has a reasonable and direct connection to that purpose, and
 - (f) is necessary for performing the statutory duties of, or for operating a legally authorized program of, the public body that uses or discloses the information.

The use or disclosure of personal information for a consistent purpose must meet both conditions.⁶ According to the *Information and Privacy Handbook: An Interpretive Guide to the Freedom of Information and Protection of Privacy Act*, a reasonable and direct connection is one that is

. . . logical and plausible. It is derived directly from the original use or purpose or is a logical outgrowth of that use or purpose.

In determining whether a particular use of disclosed information has a reasonable and direct connection to the purpose for which it was collected, the handbook suggests public bodies “consider whether an individual would expect personal information to be used in the proposed way.”⁷

According to the provisions of the FOIPPA, the decision of whether or not personal information ought to be disclosed is based not on the format in which the information is conveyed, but on the purpose for which it is to be used.

Clearly, the public uses the assessment roll for a number of purposes other than calculating tax liability. In an article entitled “Who Uses the Assessment Roll,” BCA states that it was created to provide uniformity and equity to the property assessment system.⁸ The article goes on to state, however, that municipalities, the Crown, ministries, private industry and the public use BCA’s property information for a variety of other purposes. It lists several alternative uses for the assessment roll information that include the use of property owner name information and that do not relate to the valuation of property. These include: government agencies using assessment data for plebiscite and utilities mailings; RCMP work; and 911 emergency response work. Significantly, BCA also states, “the real estate, insurance, banking, credit union and consulting industries use BC Assessment property data in their business activities.”

Real estate salespeople use information from the assessment roll to verify property value information. The name of the property owner is an important means of ensuring the correct property is being searched. At the same time, name data decreases the incidence of fraud in real estate conveyancing by ensuring that a party to a transaction in fact owns a property of a certain value.

The 1998 report of the Privacy Commissioner acknowledges that the use of the assessment roll by real estate salespeople in the conveyancing of properties is appropriate. This implies that the use of assessment roll information by real estate salespeople in this manner is consistent with the use for which it was obtained, as per s.34 of the FOIPPA.

If accessing name information through BC OnLine to confirm property value and owner identification is considered a consistent use, no distinction may be made if the same information is obtained for the same purpose in another format. Indeed, when individuals access the assessment roll via BC

⁶ *Information and Privacy Handbook: An Interpretive Guide to the Freedom of Information and Protection of Privacy Act*, 2nd ed. (Victoria: Ministry of Government Services, 1997) at p. 3.2-21.

⁷ *Information and Privacy Handbook: An Interpretive Guide to the Freedom of Information and Protection of Privacy Act*, 2nd ed. (Victoria: Ministry of Government Services, 1997) at p. 3.2-24.

⁸ “Who Uses the Assessment Roll,” *Assessment Newsletter* (May 2001) (www.bcassessment.bc.ca) at p.1.



OnLine, no inquiry is made as to the purpose of their inspection. In these instances, the name information is revealed to individuals, regardless of the purpose for which the information is used.

BCREA purchases the bulk data for a legitimate purpose. The intentions of individuals who access the assessment roll information on BC OnLine or at BCA offices are not monitored.

➤ **BCREA's Position**

BCREA believes, given the level and type of access the public is granted to the assessment roll, the restrictions on providing name information to BCREA cannot be justified.

Protections Against Misuse

The use of information in electronic form puts new issues before government bodies charged with balancing the privacy interests of individuals with the need to provide citizens with access to public, non-confidential information. However, technological progress has allowed the government to better fulfill its obligation to be open and accountable to the public.

Safeguards

Rather than restricting the use of electronic information through legislation, jurisdictions across Canada have chosen to fulfill their responsibility of safeguarding information from unauthorized access by adapting security measures so that they apply to electronic data. Locked filing cabinets and restricted access to offices protect hard copy data; passwords, encryption and firewalls protect electronic data.⁹ In essence, legislators and policy makers have devised functional equivalents for dealing with electronic data to evaluate its disclosure.¹⁰

Where appropriate security measures are in place to prevent misuse of assessment roll information, there is no valid distinction between providing name information to BC OnLine customers and providing name information to bulk users.

Any concerns regarding privacy violations cannot be justified in the context of BC's sale of name information to BCREA. The protections in place to guard against misuse of the bulk assessment roll information by real estate licensees meet or exceed those in place to guard against misuse of assessment roll information in other forms.

BC OnLine

The privacy protection measures in place to guard against misuse of assessment roll information provided by BC OnLine include the following:¹¹

- unique user ids that must be changed every 40 days;

⁹ Privacy Commissioner of Canada, "Your Privacy Responsibilities: A Guide for Businesses and Organizations to the *Personal Information Protection and Electronic Documents Act*, (www.privcom.gc.ca/information/guide_e.asp#009, date accessed: September 10, 2001).

¹⁰ See, for example, British Columbia credit reporting statutes, the Canadian Standards Association's *Model Code for the Protection of Personal Information*; or the *Personal Information Protection and Electronic Documents Act*, S.C. 2000, c.5.

¹¹ After the first submission of this paper, BCOnline announced that passwords no longer need to be changed every 40 days. BCOnline, "News Release: BCOnline Passwords to be Non-Expiring!" (www.bconline.gov.bc.ca/website/news/releases/20010924A.html) accessed: October 9, 2001.



- logging records produced by BC OnLine that include the time and date of each transaction, the user id of the subscriber, and the title record number of the document that is accessed;
- logging records produced by BC Assessment; and
- a fee structure that charges users on a case-by-case basis.

This creation of a record identifying each transaction was noted in the 1998 report of the Privacy Commissioner as a significant disincentive to misuse assessment roll information. In addition, the Privacy Commissioner's report stated that the fee structure of BC OnLine provides a disincentive for people to browse through the database, making it "prohibitively expensive to construct a mailing list of property owners using BC OnLine" because information must be obtained on a case-by-case basis.

BCREA

BCREA's member boards have implemented special rules and measures to protect against misuse of assessment roll information by its members. Examples of these protections include:

- Limiting access to bulk purchased assessment roll information to certain licensed REALTORS.
- Unique user ids.
- Logging use of the bulk purchased assessment roll information to create an audit trail.
- Investigating all system logs that indicate excessive run times, unsuccessful access attempts and bulk downloading of information.
- Storing bulk purchased assessment roll information in alarmed, secure environments.
- Forming an agreement with BCA that explicitly deals with misuse of the data.
- Setting standards for real estate agents for the use of assessment roll information and the need to record how any property owner is contacted.
- Regularly communicating to its member organizations and individual REALTORS about the misuse of assessment roll information and the consequences of such misuse.¹²

BCA

While BCA does not continuously monitor the uses of assessment roll data by bulk purchasers, it does set certain security guidelines for the use of bulk purchased data. In addition, BCA may revoke the access privileges of licensees for inappropriately using information from the assessment roll.¹³

¹² Submissions of BCREA to the British Columbia Information and Privacy Commission, November 5, 1996, as cited in *An Investigation Concerning the Disclosure of Personal Information Through Public Property Registries*, (March 31, 1998) P98-011 (B.C.I.P.C.); BCREA, *Assessment Amendment Act: Presentation to the Members of the Legislative Assembly* (April 2000).

¹³ *An Investigation Concerning the Disclosure of Personal Information Through Public Property Registries*, (March 31, 1998) P98-011 (B.C.I.P.C.), BCA has twice permanently revoked the access privileges of licensees (outside the real estate industry) for using the assessment roll information for solicitation.



BCREA has always maintained a good relationship with BCA and has offered to cooperate in the investigation of any misuse of assessment roll information. Making BCREA log records available to BCA to conduct its own review of bulk downloading or other suspicious uses is one way to further alleviate privacy concerns.

Penalties

Bill 21 amended the *Assessment Act* to create an offence for the misuse of assessment roll information.¹⁴ Notably, this offence was not included in the *Assessment Act* at the time the Privacy Commission made its evaluation of bulk sales of assessment roll information in 1998.

REALTORS who misuse assessment roll information are vulnerable to discipline by their local real estate boards as well as the Real Estate Council of British Columbia, the body responsible for enforcing the *Real Estate Act* and protecting the public from abuse by real estate professionals. In addition, real estate licensees carry errors and omissions insurance to protect the public interest in case of any transgression of a licensee's responsibilities to the public.

Misuse of assessment roll information by a REALTOR is dealt with swiftly and severely to end the problem and maintain the integrity of the industry's use of public information. For example, a REALTOR was recently found to have violated s.8(a) – use of MLS® data, of the MLS® Rules and Regulations of the Real Estate Board of Greater Vancouver.¹⁵ The section states that

No Member shall use or permit or allow the use of British Columbia Assessment information to obtain addresses for solicitation or mailing purposes of any kind, and will use their best efforts to ensure that no information supplied pursuant to the agreement with British Columbia Assessment is used in the harassment of members of the public or contrary to the public interest, or in an otherwise improper manner.

The offending REALTOR was subjected to the following disciplinary action:

- Suspension from membership in the board and enjoyment of any of the facilities or privileges of the board for a period of 45 days.
- For a period of six months, the REALTOR's mailing lists used for the purposes of solicitation or newsletters must be scrutinized and approved by the manager of the real estate agency or someone else pre-approved by the chair of the board's professional conduct committee.
- The REALTOR must attend all office sales meetings for six months.
- A case summary of the matter, including the REALTOR's name and the name of his real estate agency were published and circulated to all board members.
- A record was placed in the REALTOR's permanent file at the board.

BCREA has alerted all REALTORS in British Columbia to this decision.

In its 1998 report, the Privacy Commissioner concluded that accessing assessment roll information to confirm property values for business transactions on a case-by-case basis is an appropriate use

¹⁴ Pursuant to s.69 of the *Assessment Act*, a person must not, directly or indirectly use assessment roll information to obtain names, addresses or telephone numbers for solicitation purposes, whether the solicitations are made by telephone, mail or any other means; or to harass an individual. The penalty for committing an offence under s.69(4), contained in s.71 of the *Assessment Act*, is a fine of up to \$10,000 and / or imprisonment for a term of up to 2 years. In addition, a person committing an offence under s.69(4) may be liable to pay a fine equal to any monetary benefit accrued as a result of the misuse of assessment roll information.

¹⁵ REALTOR Link™ Strategic Information for REBGV REALTORS (August 24, 2001) (www.realtorlink.org) at p.4.



of assessment roll information. The Privacy Commissioner's main concern about bulk sale of the assessment roll was that it was incompatible with the principle of targeted access and the use of information on a case-by-case basis.

➤ **BCREA's Position**

BCREA believes the penalties imposed for misuse of assessment roll information contained in the *Assessment Act* greatly reduce any risk that BCREA members will, in the face of severe personal and professional consequences, access assessment roll information on anything but a case-by-case basis.

BCREA suggests that any concerns regarding privacy violations cannot be justified in the context of BCA's sale of name information to BCREA. The protections in place to guard against misuse of the bulk assessment roll information by real estate licensees meet or exceed those in place to guard against misuse of assessment roll information in other forms.

Recommendation

On July 30, 1998, while Bill 21 was being debated in the Legislature, an amendment was moved by Liberal MLA Linda Reid to add an exception to the removal of name information to the assessment roll provided to certain professional organizations.

BCREA RECOMMENDS the amendment moved by MLA Reid be re-introduced to change s.68(4) to read as follows:

(4) subsections (1) and (3) do not apply to an assessment roll or record that is supplied

...

(d) to any entity, body or person as prescribed by regulation.

This suggested amendment was originally made in the context of a concern raised by the British Columbia Association of the Appraisal Institute of Canada, which represents professional real estate appraisers in the province, that the legislation as passed precludes "legitimate use of assessment and sales data by real estate professionals."¹⁶ However, the NDP government did not support the amendment, based on the recommendation of the Privacy Commissioner.

Property owner name information is clearly not confidential in BC. It can be obtained by real estate salespeople, or any member of the public using a number of resources, including BC OnLine, online versions of telephone books, criss-cross directories produced by private publishers, or by viewing a hard copy of the assessment roll at a BCA office.

Therefore, BCREA submits that the amendment to the *Assessment Act* originally put forward by Ms. Reid, now Minister of State for Early Childhood Development, is appropriate and ought to be re-introduced.

The proposed amendment preserves the government's discretion to determine which bulk users meet the privacy standards articulated by the Privacy Commissioner in 1998. Only bulk purchasers must maintain these standards to retain their exemptions from the general rule that name information is removed from assessment rolls sold to bulk purchasers.

¹⁶ BC Legislative Assembly, *Debates* (July 30, 1998) at 10774.



In light of the significant security, monitoring and penalties imposed by BCREA and BCA for misuse of assessment roll information, BCREA believes there is no justification for allowing BC OnLine to grant access to the assessment roll information to its subscribers for unknown purposes when BCREA members are not granted the same access to use the name information in order to increase accuracy and limit fraud in real estate transactions. This distinction cannot and does not benefit the privacy interests of individuals in the province. Rather, it simply serves to bolster BC OnLine's proprietary interest in public, non-confidential information at the expense of the public and to business in British Columbia.

BCREA has a proven track record of working in trust with government agencies. BCREA has introduced many innovations for the benefit of British Columbians, including property and agency representation disclosure systems, errors and omissions insurance, bonding, advanced education, strict ethical codes and consumer protection mechanisms.

BCREA sincerely believes this demonstrated trust in serving the public should be taken into account by the provincial government in its deliberations.

BCREA looks forward to the government's response on this matter.

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