

Home Address Exemptions in State FOI Laws

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Abstract

As more people have concerns about physical threats and harassment, state governments have responded by exempting home addresses from public disclosure in Freedom of Information Laws. This survey of each state's open records law found that specific exemptions are common for public employees, law enforcement agents, victims and minors, and that general privacy exemptions are often – but not always – interpreted to withhold home addresses from release. Address Confidentiality Programs for victims of domestic violence and sexual offenses have been instituted in 45 states, with more states considering proposals. While balancing tests for personal privacy may slow down records release, they can help prevent the wholesale closure of records and allow journalists to report on important issues related to home addresses. This study can help guide policymakers as they consider proposals to restrict home address disclosure for more individuals.

Keywords: FREEDOM OF INFORMATION, PERSONALLY IDENTIFYING
INFORMATION, HOME ADDRESS, FOI EXEMPTIONS

Introduction

Many in positions of power or weakness are concerned their home address will be accessible by those trying to cause them harm. Several state laws have been revised to protect a growing number of public servants, victims and others from having their home addresses disclosable to the public. The information is often contained in routine public documents, accessible through open records laws in each state. With easier access to such records through Internet databases, and the ability to publish the information widely through social networks and websites, there have been growing concerns about the collection, storage and dissemination of such information on the local level. In this context we sought to understand the current climate of home address disclosure in state open records laws. Our research questions are:

- How does each state treat disclosure of home addresses included in public documents?
- Which individuals are considered exempt from disclosure?

The questions seem particularly relevant in our current climate. Congress has been reviewing a proposal to protect federal judges' home addresses and other personally identifying information, modeled after a state law passed in New Jersey in 2020. Across the country, state legislatures have recently reviewed similar proposals to limit home address disclosure for law enforcement agents, judges, court employees, public officials and elected officials. Meanwhile, the Uniform Law Commission has formed a study committee on the topic of "Redaction of Personal Information from Public Records," which could review the issue and potentially propose model state legislation on the topic.

Context

Home Addresses as a Contested Record

Home addresses were selected for this review, rather than the more general category of personally identifying information, which doesn't always include home addresses. The tighter focus allows for a more accurate comparison across states. At the same time, home addresses -- as opposed to data such as birthdates -- have traditionally been considered routine directory information, making the shift in attitudes an interesting area to explore. For example, the Family Educational and Privacy Rights Act definition of publicly disclosable "routine directory" includes home addresses (FERPA, 2012). The New Mexico Attorney General summed up the evolution in an opinion in 2015:

"In the past, a public employee's personal contact information was considered a public record and subject to public inspection. Because home addresses and telephone numbers were already available to the public through publication in telephone directories and similar sources, there appeared to be little justification for denying public access to the same information contained in the records of public bodies. This view has changed in recent years, due to the wide availability of and access to information on the Internet, concerns about identity theft, and public pressure to limit unwanted telephone, mail and email solicitations." (Balderas, 2015, pg. 27 – 28)

Though attorney general opinions and state court rulings on the topic stretch back decades, the first laws regarding home address privacy started appearing in the 1990s. In 1991, Washington state enacted the first Address Confidentiality Program, which allowed victims of domestic violence to use an alternative address on public records to protect them from stalking or more violence when they moved. In 1997, Nevada was the second state to enact a program, which "began when it became clear that in far too many cases, victims were being physically located through public records... When victims enter into business relationships with state and

local agencies, the use of the fictitious address both maintains the victim’s confidentiality and relieves those agencies of the difficult and costly responsibilities of maintaining confidential records” (Nevada Confidential Address Program, 2022). Currently 45 states have such a program (Maloney, 2020), with several added or attempted in just the last decade. South Carolina lawmakers have rejected proposals to add a program in that state in the previous three legislative sessions. The S.C. Senate Committee of the Judiciary is reviewing a re-submitted proposal (South Carolina State Legislature, 2022). Utah legislators approved a bill in that state creating an Address Confidentiality Program, to go into effect in 2023 (Utah State Legislature, 2022).

In 1993, the federal Drivers Privacy Protection Act restricted the release of personal information on licenses. The law was proposed in response to the stalking and murder of actress Rebecca Schaeffer, whose home address was disclosed through motor vehicle records. States adopted legislation in response to the federal law, and several now mention motor vehicle records in their open records laws, though how they implemented the regulations varied (Karras, 1999). Several states outline when personal information can be released, including by car insurers or in connection with lawsuits. Other states allow more information to be released than federal law. In Washington D.C., for example, the statute lists several uses for which motor vehicle records can be released, including for research activities and statistical reports, if the personal information is not published (Motor and Non-Motor Vehicles and Traffic, 2018).

In recent years and in the current polarized political climate, concerns about doxxing – publishing someone’s personally identifying information – and physical threats, have escalated the reactions and proposals to expand exemptions to additional people (Gil, 2019). One of the most high-profile cases prompted New Jersey to pass Daniel’s Law in 2020, which protects judges, prosecutors and law enforcement officers from home address disclosure. The law was

proposed after the son of U.S. District Court Judge Esther Salas was murdered in their home (State of New Jersey, 2020). The law applies to state justice employees, so as a federal judge, Salas's address is currently not protected. However, Salas has been campaigning to get Congress to pass a similar law at the national level. The Federal Bar Council has continued to implore lawmakers to resolve any controversy and pass judicial security legislation after the Daniel Anderl Judicial Security and Privacy Act of 2021 that would allow for the protection of judges while on and off the bench failed to pass (Kutner, B., 2022).

Other examples of public officials getting doxxed abound. In 2020, the website "EnemiesOfThePeople.org" posted home addresses and emails for government officials who publicly called out President Donald Trump for his false claims that the presidential election was stolen (Markay and Rawnsley, 2020). During the initial months of the COVID-19 pandemic, healthcare workers reported higher rates of harassment than others, in an international study of 7,400 people, (Dye et al., 2020) prompting states such as Colorado to add public health and healthcare workers to protected classes for home address disclosure. "(The protected workers) do have a public-facing job, but just because you have a public-facing job doesn't mean you should have threats against your family or yourself for doing the work you've been tasked with doing," Colorado state Rep. Andrew Boesenecker was quoted as saying when the bill passed (Coltrain, 2022). More recently, a group in Idaho shared the home addresses of judges, prosecutors, health care workers and social workers in fliers distributed around Boise. The doxxing was in response to disagreement over a child protective services case (Dutton and Dawson, 2022).

Interestingly, journalists have also fallen victim to doxxing and personal threats when readers disagree with their reporting. The Reporters Committee for Freedom of the Press outlined the threats to journalists who reported on cyber security issues in a 2015 article, citing

examples ranging from delivery of gross pizza to “swatting,” when an emergency response team is sent to a home (RCFP, 2015). And a recent trend is for critics of news reporting to simply call the reporting itself doxxing. In February, BuzzFeed reporter Katie Notopoulos identified anonymous nonfungible token (NFT) collectors, who became prominent when the digital images started selling for hundreds of thousands of dollars each (Notopoulos, 2022). The owners, and their supporters, took to their social media accounts to denounce the story as doxxing. Meanwhile Notopoulos received personal threats after publishing the story (Jhala, 2022). Similarly, in April, Washington Post reporter Taylor Lorenz published an expose on the identity of a woman who runs a right-wing TikTok channel called “Libs of TikTok,” that, the article claims, has influenced Republican politicians (Lorenz, 2022). The reporter faced similar backlash, with critics even purchasing space on a digital billboard in Times Square in New York City stating: “Taylor Lorenz Doxxed @LibsofTikTok” (Pool, 2022).

The harassment is not limited to those in the public eye. Often more vulnerable people have fallen victim to threats and doxxing. For example, the family members of the victims of the 2012 Sandy Hook Elementary School shooting have been harassed by conspiracy theorists who believe the shooting was only a hoax. Police arrested a Florida man in 2020 for “unlawful possession of personal identification,” after he repeatedly harassed one Sandy Hook father by sharing the man’s social security number, birth date and credit report with his home address (Williamson, 2020). Identity theft also continues to be a major concern regarding personal information but seems more tied to social security numbers and birth dates.

Data privacy

With evolving technology, data is more easily compiled and shared, compounding anxiety about releasing the information. For example, criminal records kept by local and federal

governments have often been examples of controversial Freedom of Information Act (FOIA) requests. Further, around the time of the Watergate scandal, the unlawful surveillance of opposing political parties and people caused widespread distrust of the government and its ability to gather personal information. As such, the Privacy Act of 1974 was enacted and went into effect in 1975. The Act contains what are known as Fair Information Practice Principles (FIPPs) that require agencies to safeguard individual information and allows individuals to know how information collected about them is used and it enables individuals to correct inaccurate information (Overview of the privacy act: 2020 edition, 2021). Years later, privacy concerns and issues continued to be at the forefront of public concerns. In 1989, the Supreme Court of the United States held that “rap sheets” maintained by the government are exempt from disclosure as they pertain to information compiled on a private citizen and are not demonstrative of information pertaining directly to actions of the government (*DOJ v. Reporters Comm. for Free Press*, 1989). This precedent draws a distinction between mere individual curiosity about an individual’s confidential information vs. interest in governmental action and decisions for legitimate purposes. The public still has concerns about both government and corporate use of data, with increasing numbers saying their information is less secure and that they lack control over their personal information (Auxier, et al, 2019).

Home Addresses in the Public Interest

Despite these many compelling examples of the dangers of home addresses being public, there are other compelling reasons to argue for disclosure, especially as it relates to holding public officials accountable and sharing information in the public interest. Reporters routinely use home addresses to verify identities and expose public officials violating local laws or

otherwise benefitting from their positions. Similarly, reporters and researchers use location data to help the public understand public health issues.

One common focus on home addresses relates to election eligibility rules and voting. For example, former NFL running back Herschel Walker is running for the U.S. Senate seat in Georgia while still living in Texas. While senators only need to live in their district at the time of the election, reporting on this topic allows potential constituents to hold candidates accountable to that rule (Harrell, 2021). New York Times columnist Nicholas Kristof failed to get on the Oregon ballot for governor this year because he was a registered voter in New York (Monahan, 2022). Similar residency questions have popped up for the New York City mayor (Glueck and Rubinstein, 2021) and a Congressional candidate in Montana (Lefebvre and Lippman, 2022), among others. President Donald J. Trump's former Chief of Staff Mark Meadows made headlines in 2022 for registering to vote at a North Carolina mobile home where he did not live (Bethea, 2022), which is particularly newsworthy considering Meadows and other Trump supporters continue to push claims of voter fraud during the 2020 election (Kessler, 2022). Meanwhile, even state employees have been held accountable for eligibility rules based on address verification. For example, a California Department of Education administrator resigned last year when reporters revealed he lived outside of the state (Mays, 2021), prompting an internal review that led to additional resignations for residency violations (Luthi, 2021).

It's unpredictable what news stories will require home address verification, and many important issues will likely be undiscoverable as states close off home addresses. This author's own reporting includes examples of stories where public officials were held accountable and were obtained through open records containing home addresses. Most notably, comparing city employment lists with tax delinquency lists revealed public officials in Ansonia, Connecticut

owed more than \$50,000 in back-taxes in a year when the city tax rate continued to increase for residents. The reporting uncovered the city's tax collector was secretly giving tax clearances to several officials and friends, indicating they had paid their taxes when, in fact, they hadn't.

(Mozdzer, 2012). In Shelton, Connecticut, an assistant state's attorney became newsworthy when he ran afoul of local zoning laws at his home (Mozdzer, 2010). In both cases, home addresses were not published in the final stories, but aided in the reporting and verification process. Some other recent examples include:

- A TV station connected the owner of a Texas trucking company with fatal safety violations to a new company he registered the day after a 28-car pileup killed four people (Jojola, 2021).
- Reporters in Oregon tracked heat wave deaths using address data. The Attorney General ordered the information released despite objections because “the public interest in the cases and the need to understand policy failures that contributed to the deaths justified releasing the records” (Templeton and Samayoa, 2021).
- Pennsylvania journalists identified homes registered by the Federal Drug Enforcement Administration as being former meth labs – information that wouldn't otherwise appear on rental or purchasing records, but could be important health information for future residents (Martines, 2022).
- Houston Chronicle reporters are holding the state Attorney General accountable for disclosing property ownership on ethics reports meant to prevent conflicts of interest (Root and Goldstein, 2022).
- Journalists at the Oregonian prompted a candidate for governor to pay his delinquent property taxes through their reporting on the topic. (Borrud, 2022)

Challenges

Confusing exemptions can lead records holders to err on the side of withholding. A 2017 decision from an appeals court in Pennsylvania highlights one such case (*Butler School District v. PA for Union Reform, 2017*). A citizen group had requested its school district's property tax assessment list. The district withheld the entire list because it was too hard to figure out which addresses belonged to school employees, who are exempt from address disclosure and whose names would need to be redacted. The appeals court ordered the list be released, since it relates to taxable property. "An address contained in the Property List is not necessarily a personal identifier," the court ruled. "The Property List is well-established as a public record to which the public has a right to access. Moreover, the address of an assessed property is an essential component of the assessment for tax purposes. In other words, as discussed below, a list of assessed properties is of little use without the addresses of the properties" (Butler School District, 2017, section A). Though the court eventually ordered the records released, the original lawsuit was filed in 2014, meaning several years passed before the information became public.

Others are likely to face similar struggles with public records requests. In West Virginia, courts are withholding all address information while they determine how to comply with a new law that protects current and former state and court employees or their immediate families (Dominion Post, 2022). One New Jersey clerk called the state's proposal to exempt elected officials from home address disclosure a "freaking nightmare" (Biryukov, 2022). Elsewhere, journalists already report delays in public records requests, sometimes directly related to concerns over redacting private information (Sakariassen, 2020). A 2021 survey conducted by the National Freedom of Information Coalition found that "the greatest threats to government

transparency today are legal exemptions primarily focused on protecting individual privacy” (Fettig and Cuillier, 2021).

State Law Review

Method

These concerns are apparent in the disparate, and often confusing, approaches to home address disclosures among the various states. Each state has a unique public records law, which outlines definitions of records, and exemptions. Additionally, exemptions may appear in other state statutes, and through previous court interpretations of the law. Some states also rely on Attorney General opinions to understand what information is disclosable or exempt from disclosure. As such, a narrative approach to this comparison is best for a big-picture understanding. This review started with a summary for each state, outlining how home addresses are handled in the respective public records statutes, state statutes and case law. The full state summary will be added to the paper upon submission for publication later this year. The following resources were used in the analysis:

- The full text of the public records laws for each state
- The Reporters Committee for Freedom of the Press Open Government Guide, and citizen guides published by attorneys general and FOI groups, which provide broader context and understanding of how the laws have been interpreted in the past
- News reports about proposed bills concerning public records access

The review is thorough but likely incomplete. However, it serves as a starting point for understanding the broader picture of home address disclosure in the United States.

Discussion

In general, states approach home address exemptions differently: Some states require a balancing test for personal privacy; others carve out exemptions for individuals. Home addresses are sometimes exempted by default when an entire record group is considered private. Where states define personal information, home addresses are inconsistently considered. States often use more than one of these approaches, adding to the confusion for the public and records holders. And in some cases, different individuals have different rights to access the information. This section highlights several examples of the different approaches to home address disclosure in the United States, focusing on common trends.

Definitions of Personal Information and Privacy

No single definition of personally identifying information or personal privacy exists. Federal definitions of personal information vary (see FERPA and DPPA). States have also had different approaches. For example, Alaska’s Public Records Act includes a definition of “personal information” that explicitly excludes home addresses and telephone numbers, if the number is published in a telephone directory (Alaska Public Records Act, 2018). Iowa exempts “personal information” for several classes but doesn’t define it in the law. In Nevada, personal information is defined two different ways: “personally identifying information” includes home addresses when it relates to a Public Records Act amendment dealing with electronic records, but the definition used for “personal information” of National Guard members does not mention home addresses (Nevada Public Records Act, 2021).

Definitions of “personal information” may also appear in other statutes outside of the open records laws. In several states including Michigan, the motor vehicle regulations mirror the federal statute in defining “personal information,” and “highly restricted personal information.” Home addresses are included in the lower designation, while “highly restricted personal

information” is defined as social security numbers, disability status, digitized signatures, and those enrolled in Michigan’s Address Confidentiality Program (Mich. Vehicle Code, 2020). In West Virginia, state employees’ home addresses are exempted in a statute outside the state’s Freedom of Information Act, which defines “personal information” as home address, social security number, credit card numbers, driver’s license number, and marital status or formal legal name (West Virginia Public Records Management and Preservation Act).

In other instances, privacy, rather than personal information, is defined. Washington state, for example, includes a definition of “invasion of privacy” in the public records law, saying personal privacy is violated if the disclosure “would be highly offense to a reasonable person and is not of legitimate concern to the public” (Washington Public Records Act, 1987). Illinois’ definition of “private information” includes home addresses “except as otherwise provided by law or when compiled without possibility of attribution to any person” (Illinois Freedom of Information Act, 2016). These two definitions are among the different ways state laws enact balancing tests for determining which personal information can be disclosed.

Balancing Tests

Several states require an outside entity – usually a court, state attorney general, or a commission – to weigh in on the disclosure of confidential information. New Hampshire is an example of a state with a privacy balancing test used to evaluate home address disclosure on a case-by-case basis. The state’s law has a general exemption for records “whose disclosure would constitute an invasion of privacy” (N.H. Right-to-Know Law, 2016) and case law has set up a test to determine that invasion, as detailed by the attorney general (Foster, 2015, pg. 28):

- Is there a privacy interest at stake that the disclosure would invade?

- Would disclosure inform the public about the conduct and activities of its government?
- Balance the public interest in disclosure against the government's interest in non-disclosure

New Hampshire courts have used this balancing test to exempt the names and addresses kept by schools and of residential public utility customers from disclosure. The attorney general has issued advice to “generally redact or analyze the privacy interests” (Foster, 2015, pg. 43) of home addresses, while not classifying them as sensitive data that should always be redacted.

In Kentucky, the law does not mention home addresses. Still, it has an exemption for “public records containing information of a personal nature, where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy” (Kentucky Open Records Act, 2021) which has been used in some cases to exempt home address disclosure for public employees and private citizens (Rogers, 2019). The “clearly unwarranted invasion of personal privacy” wording is the same as the Federal FOI Act (2016) and is used in several state laws. For example, Michigan’s personal privacy exemption is worded the same way. Courts have interpreted it to exempt home address disclosure for public employees, accident reports, donors to the state university, consumer complaints, handgun owners, and lottery winners (Nessel, 2019). In West Virginia, the privacy exemption is worded differently: to exempt “information of a personal nature such as that kept in a personal, medical or similar file, if the public disclosure of the information would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in this particular instance” (West Virginia Freedom of Information Act). The phrasing favors nondisclosure, according to an analysis published in the Reporters Committee for Freedom of the Press Open Government Guide. Comparing the West Virginia statute to the privacy exemption in the federal act,

McGinley and Weise (2019) write: “The simplest explanation of these differences is as follows: If the scales weigh heavily in favor of disclosure, both codes require disclosure; If the scales weigh heavily in favor of nondisclosure, both codes require nondisclosure; but if the scales weigh even or near even, the Federal Code favors disclosure while the West Virginia Code favors nondisclosure.”

Pennsylvania courts have ruled that the state’s constitutional right to privacy “requires that a balancing test be performed whenever it is asked to produce records in which people have a privacy interest” (Penn. Office of Open Records, 2022, pg. 118). Other states have exemptions for information relating to personal safety. For example, Alabama doesn’t mention home addresses, but does have an exemption for “records relating to, or having an impact upon, the security or safety of persons, structures, facilities, or other infrastructures... the public disclosure of which could reasonably be detrimental to the public safety or welfare” (Alabama Open Records Law, 2004).

Full Records Exemptions

Where full records are exempt from disclosure, home addresses are, by default, exempted from release. This review does not delve into this sub-topic; it is an area for additional research to augment this summary of exemptions. Some examples include states that restrict disclosure of voter registration rolls, gun permits and vital records, which are other places where home addresses might appear. In those cases, the exemption is more closely tied to the record type than the personal information appearing on it.

Individual Exemptions

Many states are relying on exemptions for certain individuals as they face new calls for privacy and protection. Common exemptions appear for: minors, victims, public employees, law enforcement agents, and donors. Those exemptions are generally approached in two ways: for home addresses appearing on employment documents, or for home addresses appearing on other public records, a more complicated approach.

Regarding employment documents, most states provide exemptions for the release of home addresses for public employees or retired public employees, although with different classes of employees outlined. For example, Indiana lists “public employees” and “public safety officers” generally (Indiana Public Records Act, 2021) while Florida lists individual categories, including personnel of the Department of Health and Department of Financial Services, specifically (Florida Public Records Act, 2022). Several states include exemptions for the broader record category of “personnel records,” allowing release only of details such as salary and dates of employment.

In addition to protecting employment records, some states allow certain individuals to request their home addresses be removed from other public records held by local and state governments. In Utah, for example, “at-risk government employees” can file a request to classify their home addresses as private on government records. The list of at-risk individuals includes peace officers, judges, prosecutors, law enforcement officials and state or local government employees based on their work assignments. Family members of the at-risk employees are also eligible (Utah Government Records Access and Management Act, 2019). Idaho also allows law enforcement officers to apply for home address confidentiality on public records, and records holders may charge a fee (Idaho Address Confidentiality for Law Enforcement Officers, 2015). Texas has a similar provision but outlines a process by which the requester can appeal the

decision to withhold the address (Texas Public Information Act, 2021). Judges, prosecutors, corrections officers, and other people working in criminal justice jobs, are often included in similar at-risk exemptions.

Recently, states have added exemptions for public health workers, as well. In California, reproductive health employees and public health officials can apply for the Address Confidentiality Program. In Colorado, health workers are included with other law enforcement officers in the definition of “protected person” (Colorado Personal Information on the Internet Act, 2022). In New Jersey, reproductive health workers and patients are exempt from home address disclosure (New Jersey Open Public Records Act, 2019), and eligible for the Address Confidentiality Program. In Ohio, mental health providers are exempt (Ohio Public Records Act, 2022). Oregon and Washington both exempt health care workers from home address release as well.

Several states have focused on voter registration as a common public record with home addresses – allowing anyone with a compelling safety concern to request confidentiality. The states with such provisions are Arkansas, Hawaii, Idaho, Missouri, Nevada and Utah. These provisions are in addition to the common Address Confidentiality Programs, which provide victims substitute addresses to use on public records, including voter registration. More research is needed to understand how these policies impact local records holders.

Exemptions for minors frequently appear in laws referencing recreation department programs. Arkansas, Connecticut, Illinois, Indiana, North Carolina, Ohio, and Texas all have provisions for minors enrolled in public programs. Other states, such as North Dakota, exempt minors more generally. Others (Tennessee, Ohio, Washington) exempt minor victims.

Exemptions for victims are likewise varied, with some states exempting all victims and others

specifying exemptions for only victims of sexual offenses or only prohibiting the offender to request information about the victim.

Exemptions for public utility customers and donors also appear in several states. California, Indiana, New Hampshire, Ohio, Oklahoma, Tennessee, Virginia, and Washington all have provisions exempting some utility customers from home address disclosure. Donors are exempted from disclosure in 10 states: Michigan, Nebraska, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas and Virginia.

Penalties for Release of Personal Information

Several states have added wording that imposes penalties for releasing, publishing or selling personally identifying information. For example, California's law requires permission from elected or appointed officials before publishing home address information (California Public Records Act, 2015). Colorado has a similar provision, which applies to human services workers, public health workers, judges, peace officers, prosecutors, public defenders and public safety workers (Colorado Personal Information on the Internet Act, 2022). Under the Colorado law, those workers can submit a request to state or local government officers to seek the removal of home address information from public records available online. In Arizona, the intentional release of home addresses of protected individuals is classified as a Class 6 Felony (Arizona Public Records Act). These penalties may otherwise appear in separate anti-doxxing statutes, such as ones recently proposed in Oregon and Washington state (Santos, 2022). A deeper look at how states use both anti-doxxing and open records law adjustments to address the same problem is fertile ground for future research.

Different Rules for Journalists

Perhaps recognizing the unique need of journalists to access home addresses in their reporting, some states have made exceptions to the exemptions for journalists. For example, in Colorado, while certain public officials can seek confidentiality in their home addresses, the law allows the news media to seek confirmation of home addresses even for those protected individuals who have been granted confidentiality (Colorado Open Records Act). In Ohio, journalists are allowed more access to records (Ohio Open Records Act, 2022). However, a journalist's request for state employee home addresses carved out an exemption through a 2005 state Supreme Court decision (*Dispatch Printing Co. V. Johnson, 2005*). These exceptions to the exemptions leave a little breathing room for journalists to continue reporting while protecting personal privacy. However, with the evolving news media industry, it may become harder to verify who is a professional journalist, leaving the record holder or a judge to interpret.

Recommendations

This review demonstrates that the practice of withholding home addresses from public disclosure is well established and widespread across the states. Even states that don't include home address exemptions in their public records laws have protected individuals from disclosure when a balancing test was applied in the courts. Therefore, a recommendation urging states to treat home addresses as disclosable information is not practical or in line with contemporary community standards. There are compelling arguments for withholding home addresses from disclosure, as demonstrated in the several examples of threatening, harassment and physical harm done to public officials and victims. In contrast, if real threats exist for some classes of individuals, an argument could be made that all home addresses should be exempt from disclosure, so as not to privilege certain classes. On the other hand, there are compelling

arguments to make home addresses available in instances where it helps journalists and members of the public hold officials accountable and research location-based issues.

This necessity requires a nuanced approach to disclosure – one favored by the states that have balancing tests built into their laws. Though these balancing tests could prompt delays and are subject to biased interpretations depending on the officials in power, they seem like the best fit for the complicated problem of privacy needs in the 21st century. An overarching balancing test for home address disclosure would help simplify the process for records holders faced with ever-increasingly confusing exemptions.

A second option would be to expand existing Address Confidentiality Programs, now active in 45 states, to include additional classes of people concerned about home address release. While the programs have started as a means to protect victims of domestic violence, stalking and sexual offenses, some states have added other eligible individuals. For example, in California, elder and dependent abuse victims, reproductive health care workers and other public health officials during COVID could join the program (California Safe at Home, 2022). Washington state, the first in the nation to adopt an Address Confidentiality Program in 1991, has since added criminal justice employees and elected officials who are targets of harassment as eligible to participate (Washington Address Confidentiality Act, 2022). When states feel compelled to protect just a small class of individuals from home address disclosure, this may be an avenue to help streamline the process for records holders. The upside to this option is that it doesn't require complex analysis by records holders, as the addresses supplied are substitute addresses. Some states have tried a version of this approach, allowing individuals in protected groups to "opt out" of home address disclosure from public records. More research is needed to determine the burden this alternative approach puts on the records custodians.

Finally, as states consider individual exemptions, we advise a more balanced approach to who becomes exempt from disclosure. States like Virginia focus exemptions on everyday citizens whose information happens to be included in governmental documents – people like zoning complainants and members of citizen emergency response teams. Other states, such as Florida, focus on individuals whose jobs put them in the position of making decisions about others' freedom – judges, law enforcement agents and prosecutors. While it makes some sense to protect the public agents overseeing the justice system, an argument could be made that as people hold power over others, transparency is more critical regarding their actions. It's a delicate balance since most of their actions won't necessitate home address disclosure. States that provide additional access to journalists have found one approach to this problem, however imperfect the application may be.

This review is limited in that it summarizes the published laws and available interpretations. The case law review, in particular, is limited to those states with robust analyses published by open government groups and attorneys general. Also, these summaries indicate the law as written, while the implications on the ground may differ from the law, in particular among records holders striving to navigate complicated and changing exemptions. However, it serves as a starting point and a good reference for those considering privacy issues and public documents.

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