

331.606A Document content personally identifiable information.

1. Definitions.

a. "Personally identifiable information" means one or more of the following specific unique identifiers when combined with an individual's name:

(1) Social security number.

(2) Checking, savings, or share account number, credit, debit, or charge card number.

b. "Preparer" means the person or entity who creates, drafts, edits, revises, or last changes the documents that are recorded with the recorder.

c. "Redact" or "redaction" means the process of removing personally identifiable information from documents.

2. Inclusion of personally identifiable information. The preparer of a document shall not include an individual's personally identifiable information in a document that is prepared and presented for recording in the office of the recorder. This subsection shall not apply to documents that were executed by an individual prior to July 1, 2007. Unless provided otherwise by law, all documents described by this section are subject to inspection and copying by the public.

3. Redaction on a recorder's internet website. If a document that includes an individual's personally identifiable information was recorded with the recorder and is available on the recorder's internet website, the individual may request that the recorder redact such information from the website. The recorder shall establish a procedure by which individuals may request that such personally identifiable information be redacted from the internet record available on the recorder's internet website, at no fee to the requesting individual. The recorder shall comply with an individual's request to redact personally identifiable information.

4. Liability of preparer. A preparer who, in violation of subsection 2, enters personally identifiable information in a document that is prepared and presented for recording is liable to the individual whose personally identifiable information appears in the recorded public document for actual damages of up to five hundred dollars for each act of recording.

5. Applicability. This section shall not apply to a preparer of a state or federal tax lien, a military separation or discharge record, or a death certificate that is prepared for recording in the office of county recorder. If a military separation or discharge record or a death certificate is recorded in the office of the county recorder, the military separation or discharge record or the death certificate shall not be accessible through the internet.

2002 Acts, ch 1113, §4; 2007 Acts, ch 123, §1, 3