

10. BULK DATA SALES



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The purpose of this report is to advise on and clarify policy in relation to the supply of property-related data, with name and postal address details attached to it.

CONTEXT

Names and postal, along with street addresses of property owners/occupiers have for many years been deemed to be "public record" information. This is due to these details forming part of the District Valuation Roll that the Council is legally obliged to make publicly available for inspection. This means that anybody can view these details at the Tuam Street public counter (and more recently on the Internet, but only the property and not the postal address of owners). Staff also provide names and postal addresses of owners and associated property details in response to phone requests, such as those from solicitors for property settlement.

Apart from accessing these details on a property by property basis, (which is the limitation of the Internet-based access to this data), a variety of parties seek bulk supplies, in both paper and electronic formats, of name and address information. To varying degrees these requests seek sorted data, according to property-related details, for purposes as varied as:

- Real-estate companies wanting to approach owners of rental properties about property management proposals.
- Garden awards committees wanting to contact prize winners.
- Residents and business associations wanting to canvass local property owners about matters affecting local areas.
- Universities wanting data for study projects

Until deregulation of valuation service provision and transfer of ownership of this data to Councils a few years ago, the former Government Valuation Department used to be the major source of bulk supplies. Upon deregulation and transfer, the Council's former valuation service provider, the SOE, QVNZ, entered into a data supply agreement with the Council, which enabled them to on-sell this data, hence maintaining the status quo in relation to bulk data provision.

Despite the fact that this information is a matter of public record under current statute, there has been concern expressed in some quarters, (including by the Privacy Commissioner), regarding the bulk electronic supply of property data with name and address details attached to it. Recently this matter was clarified in the course of an appeal to the Ombudsman who determined, having consulted the Privacy Commissioner, that the relevant Council in that appeal should supply in electronic format the public register rating related information to the appellant third party, which currently includes owner name and postal address details. The Christchurch City Council's current practice conforms to this ruling.

RECENT CHANGES

There have been several recent changes to the status quo that suggest change to this practice is warranted. These include:

- Change of Valuation Service Provider (VSP) for Christchurch City.
- Changes to the legislation with the new Local Government (Rating) Act 2002 and the associated Version 3 of the Valuer General's "Rating Valuations Rules".

The appointment of SVO as our Valuation Service Provider means that the current data supply contract with QVNZ is no longer appropriate and they wish to renegotiate it. Since this change we have had several approaches by interested parties expressing interest in the purchase of both property and name and postal address data in bulk directly from the Council.

The new rating legislation recently enacted by Parliament indicates that the Crown's attitude to the release of name and postal address data has changed. Section 28(2) of the Act "Inspection of rating information database" states:

"The copy of the rating information database that is made available for inspection must not include the name of any person (unless it is necessary to identify the rating unit) or any address other than the street address of the rating unit."

This provision comes into effect from 30 April 2003 and suggests that from that date, whether singly or in bulk general supply of name and postal address data should cease, while street address data continues to be publicly available.

However there is a need for certain parties (including real-estate agents and solicitors) to have access to names and postal addresses of owners, as well as rate account information, to undertake their work effectively, and the new law provides for restricted access to such information after 29 April 2003. Section 38(1)(d) of the Act states

38 *Inspection of rates records*

(1) the following persons may inspect the rates record for a rating unit:

(a) the ratepayer:

(b) a person who is authorised by the ratepayer to do so:

(c) a person who has become liable to pay the rates in respect of the unit under section 61 or section 62:

(d) a solicitor, land broker, or real estate agent:

(e) Any member of the public with respect to rates assessed, but not including arrears, remissions, or postponed rates."

PROPOSED POLICY

Owner name and postal address data continues until 29 April 2003 to be part of the public record and we have a legal requirement to make that record available. We do this through an inspection copy of the register at the public counter and via the RateInfo website (although the website only shows street address and only for one property at a time). It is proposed to continue to do so until that time. However, staff believe it would be inconsistent with the direction of the legislation to enter into any new agreements before then to bulk supply name and postal address data and seek the Council's endorsement of this approach.

The Valuer-General has recently updated the rules governing the approach to rating valuations by Councils, urging them to ensure the property market is well supplied with property-related data, collected in the course of valuation of property. Staff proposed to continue to supply this data in bulk, minus name and postal address data. Street address would continue to be shown, and available to support the purposes outlined in the context section of this report.

Recommendation: That the above proposed policy be adopted.