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Appraisal Subcommittee

Federal Financial Institutions Examination Council

March 15, 2001

Ms. Candace Ito
Executive Officer
Real Estate Appraiser Program
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
P.O. Box 3469
Honolulu, HI 96801

Dear Ms. Ito:

Thank you for your March 9, 2001 letter regarding the posting of Hawaiian appraisers' home addresses on the Appraisal Subcommittee's ("ASC") National Registry of State Certified and Licensed Real Estate Appraisers ("National Registry"). Because of personal privacy concerns, you "ask the purpose for providing addresses [which also are residence addresses] of appraisers to the ASC and if it is necessary to post an address on the National Registry for each appraiser."

In your letter, you point out that Hawaii Revised Statutes § 92F-19(a)(3) authorizes you to disclose State government records to the Appraisal Subcommittee ("ASC"), and that paragraph (b) requires "[a]n agency receiving . . . records . . . be subject to the same restrictions on disclosure . . . as the originating agency." You also enclosed Office of Information Practices Opinion letter 90-10 that, states, "the disclosure of an individual licensee's home address would 'constitute a clearly unwarranted invasion of personal privacy'" You concluded that you are precluded from disclosing the residential addresses of your certified or licensed appraisers, and that we must treat that information in the same manner.

We share your concerns about protecting the privacy of personal information pertaining to individual real estate appraisers. ASC Policy Statement 8 E. recognizes that "[c]ertain personal information about an individual appraiser is protected by the Privacy Act, 5 U.S.C. 552a, and the ASC does not make it available" Home addresses of real estate appraisers would be, and are, protected from disclosure. The ASC only discloses the business addresses of State certified or licensed real estate appraisers as identified by individual appraisers and compiled by each State according to its statutes, regulations, policies, and procedures. If an appraiser conducts his or her business solely from home and that address is provided to the State by the appraiser as the appraiser's business address, that address is a business address, notwithstanding the fact that it is also the appraiser's home. Business addresses generally are not protected from disclosure under the Privacy Act. Please note that Opinion Letter 90-10's conclusions do not cover the disclosure or nondisclosure of business addresses.

Our disclosure of business addresses of State certified or licensed appraisers is essential to carrying out the purposes of the National Registry under Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as amended ("Title XI"). Persons using the National Registry database must be able to ascertain whether appraisers are eligible to perform appraisals in connection with federally related transactions and have an active, valid State

credential for that purpose. An appraiser's name and business address are very important elements in successfully identifying an appraiser on the National Registry. For example, six Dave or David Smiths are listed in California. Without business addresses, it would be very difficult for a member of the public to identify the appraiser accurately.

Please contact us if you have additional questions.

Sincerely,

Ben Henson
Executive Director