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ECHO



Public Records Access Monitoring Committee

- The following article on the IAJGS Public Records Access Monitoring Committee (PRAMC) explains the origins of the committee, major concerns regarding access, upcoming lobbying activities and some of the things the committee did during the past year.
- This is a topic that should be of concern to all genealogists.
- We hope you will help us spread the word.
- We invite IAJGS member organizations to cut and past all or part of this article for inclusion in your upcoming newsletters.

IAJGS Board of Directors-September 2005

The IAJGS Public Records Access Monitoring Committee (PRAMC)

By Jan Meisels Allen, IAJGS Board Member

Several years ago the IAJGS Board of Directors created the Public Records Access Monitoring Committee (PRAMC). Its charter states the committee is to "monitor (worldwide), legislative and regulatory activities, in both governmental and non-governmental repositories which have genealogical value, where access to vital records were being denied or hampered." In appropriate cases, the IAJGS would take action in the form of expressing our concerns in an attempt to change the access

impediment. The Committee currently includes:

Jan Meisels Allen, JGS Conejo Valley and Ventura County- *Chairperson*

Florence Elman, JGS Calgary, Alberta

Teven Laxer, JGS Sacramento

Jay Sage, JGS Boston

Paul Silverstone, JGS NY, Inc.

Joel Spector, JGS Greater Philadelphia

Anne Feder Lee, *ex officio*

Critical Issue: Genealogists Facing Loss of Access to All US Birth Records

Currently, the issue of most concern facing access to records for genealogists is how a provision in the recently enacted U.S. Intelligence Reform Act (P.L. 108-458) will be implemented. This provision requires minimum standards for use of birth certificates by Federal agencies for official purposes. Birth records are obtained from the state in which the birth occurred, therefore, the provision will affect all states issuing birth certificates. Our concern is that the minimum standards to be developed by the Secretary of Health and Human Services (HHS) may be overbroad and thereby inhibit access to birth records by legitimate genealogists.

IAJGS, working with the genealogical community, tried to have the provision amended as the bill was moving through the US Congress. However, the proponents' concern with preventing terrorism by making it difficult for terrorists to obtain driver's licenses, passports, and other identification documents by using fraudulent birth certificates, was overriding, and our amendatory language was not adopted.

Secretary of HHS Leavitt is expected to release proposed regulations soon. The regulations will define the minimum standards, and how all states are to adopt them. Our concern is that the minimum standards will prevent an individual, who is not the individual named in the birth certificate, from obtaining a copy of a birth record.

When the proposed regulations are released, IAJGS will provide member organizations with a sample letter for use in writing to the Secretary. We hope many IAJGS member organizations and their members will then write to the Secretary expressing genealogical concerns regarding the proposed regulations.

The message in our sample letter will focus on ACCESS to vital records, explaining that genealogists only need non-certified or informational copies of the records, since we do not require the records for identification

purposes. (Certified copies of birth records are accepted by governmental entities as official documents for identification.)

Final regulations will require each state to amend its existing laws and regulations pertaining to access to birth records-if their birth records are to be accepted for governmental identification purposes. Thus, your assistance will also be needed in making certain the state legislators also understand that genealogists only require non-certified copies.

In preparation for this, IAJGS has posted to its website a list of each state's legislative websites (www.IAJGS.org) click on "resources" then click on "legislation websites"). If you don't know your local representative, this is a perfect time to get to know them, as you will need to contact them when the issue arises. You can find out who your federal and state representatives are by looking at the legislation websites.

Federation of Genealogical Societies/National Genealogical Society Records Preservation Committee

To maximize our effectiveness, while preserving our scarce resources on access issues, the IAJGS is represented on the FGS/NGS Records Preservation Committee, by the PRAMC committee chairperson. The Committee's role is to "ensure proper access to historical records of genealogical value, on means to affect legislation, and on supporting strong records preservation policies and practices". This committee represents the leadership organizations in the genealogical community in North America. In addition to working on the issue of access to birth records mentioned above, other issues regarding impediments to access continue to be addressed.

PRAMC Activities in 2004-2005

During 2004-2005 PRAMC reviewed a number of access issues and the major ones are listed here:

Canada

Canada's release of the national census post 1901 has been an on-going issue for over the past 5 years before the Canadian Parliament. This year, S-18 was enacted permitting public access to Historic Census Records after 92 years for the censuses from 1911-2001 in a timely manner (Canada performs a census every 5 years- and the 1906 census was released by a separate action before this year). However, included in the legislation is an "opt-in" requirement for censuses taken in 2006 and later. The "opt-in" requires each person to whom the information relates to consent at the time the census is taken, to have it released to the public in 92 years. Statistics Canada pushed for inclusion of this opt-in provision over privacy and permission concerns. Statistics Canada has agreed to review this section after two censuses have been completed. IAJGS, while delighted that the Canadian census from 1911-2001 were being released, opposed the opt-in provision.

The PRAMC Committee expressed its concern with the "opt-in" for the censuses beginning in 2006, by letter to the Prime Minister and key members of Parliament on behalf of the IAJGS over the signature of Florence Elman, a Canadian who is a member of the IAJGS Board of Directors. Additionally, the seven Canadian JGS members of IAJGS were alerted to write to their members of Parliament.

The law became effective on June 29th when Royal Assent was granted after being passed by both chambers of Parliament. The 1911 census has been posted to the Library and Archives Canada website.

Romania

The JewishGen ROM-SIG brought to the PRAMC the problem with access to vital records. However, the overall issue of anti-Semitism in Romania was already being

addressed by an independent commission headed by Nobel laureate, Elie Wiesel. We were advised to wait until the report was released. The report was released at end of 2004, and since then the United States Holocaust Memorial Museum (USHMM) has received over 1 million holocaust-related documents from Romania. PRAMC member Jay Sage, who is the liaison with the JewishGen ROM-SIG, now reports that his researcher has been able to access vital records in the archives without impediment. Because of the Wiesel Commission report impact, at this time, we are not pursuing discussions with the Romanian government regarding impediments with the Archives. If further access problems arise, the PRAMC will reconsider its position.

Transcarpathian Area of Ukraine (Uzhgorod Archives)

There are on-going problems with access to records in the Transcarpathian area of the Ukraine-an issue brought to the PRAMC by the JewishGen H-SIG. There are many access issues, most revolving around the local archivist not permitting researchers to access the archives nor release of information by the archival staff. In working with the USHMM, who also has issues with holocaust records access in the same archive, we learned that the USHMM has held meetings with Ukrainian government officials and an agreement was signed to release some records. With the newly elected government taking office earlier this year, it was recommended, and agreed that the PRAMC would wait a year to let the new government have time to establish themselves before contacting them to try to address the impediments to access.

If you are aware of any access to vital records impediment, please inform the PRAMC by contacting Jan Meisels Allen at jan@IAJGS.org.