Genealogy Under Fire: Government Actions to Impede Access to Records YOU Need

Panel

Sponsored by the International Association of Jewish Genealogical Societies

IAJGS Boston
August 5, 2013

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Member RPAC

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Past President, NGS

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Member, RPAC
IAJGS Public Records Access Monitoring Committee

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- Teven Laxer, JGS Sacramento
- David Ockene, JGS NY
- Kenneth H. Ryesky, Esq. JGS NY
- Paul Silverstone, JGS NY (IAJGS Treasurer)
- Joel L. Spector, JGS Greater Philadelphia (IAJGS Secretary)
- Catherine Youngren, Jewish Genealogical Institute of British Columbia
IAJGS Public Records Access Alert

• New announcement list for all public records access issues
• Public Records Access messages no longer on IAJGS Leadership Forum
• Different messages than what are posted on JewishGen as IAJGS Public Records Access Alert includes advocacy when appropriate and JewishGen policy prohibits advocacy
• Anyone may subscribe-at least one per society as a minimum
• To subscribe go to: records-access-alerts.iajgs.org and follow instructions
• Please send notices and comments to the following email address:
  RecordsAccess@iajgs.org
Genealogists without records can’t do genealogy!
We are facing crises worldwide on access to vital records
Due to misunderstanding by those in power about Identity Theft
Budget Cuts
European Union Proposed General Data Protection Regulation –affects genealogy historical and current records from EU countries as vital records considered personal information--applies to organizations based outside the European Union if they process personal data of EU residents. Requires obtaining specific and explicit consent by individuals mentioned in the records for the processing of their data (Opt-in), other than explicitly allowing the processing of personal data. A "right to be forgotten".
European Union Member Countries [28]

Austria | Belgium | Bulgaria
---|---|---
Croatia | Cyprus | Czech Republic
Denmark | Estonia | Finland
France | Germany | Greece
Hungary | Ireland | Italy
Latvia | Lithuania | Luxembourg
Malta | Netherlands | Poland
Portugal | Romania | Slovakia
Slovenia | Spain | Sweden
United Kingdom
What You Can Do Re: EU Proposed Regulation

• If you belong to a genealogy society in one of the EU nations write to your country’s Minister of Justice.

• SIGs also if not part of JG as they don’t permit advocacy but individuals may write

• To find the name and address “Google” name of country and Ministry of Justice or EU Council representative

• In the letter ask the Minister to share your concerns with their EU Council representative
Issues PRAMC Following This Year-2

• FamilySearch Granted Access by French CNIL to Parish and Civil Registrations
• Library and Archives Canada—release of census 1825; new versions 1871 & 1891, 1901 censuses; 1906 special census; delay in release of 1921 census; change of LAC administrators LAC may establish fee for release of private digitization of vital records
Issues PRAMC Following-3

- Future of British Census
- UK National Archives Release of 19th century naturalization records; WWI digital project
- RAF Museum digitization of WWI records
- The National Archives of Ireland adds new database on Calendars of Wills and Administrations 1858-1920
- National Library of Wales Fire; Relaxes copyright on digital copies
- New Zealand Census March 2013
- Ireland GAO Doubles Fees for vital records
Issues PRAMC Following -4

- OR HB 2093; TX HB 3252; OK only deceased may request their death files; all 2011 Model Records Bill [Janet discuss]
- CA ACA 3 SB 71/AB76 Public Records
- Georgia Archives Funding and Transfer
- CT Legislation Affecting Death Records
- Library of Congress Reading Room Consolidation
- DHHS Privacy Rule for deceased’s medical records
- JDC WWII Archives posted online
- USCIS Expanded Website
- SSDI Bills (Ken discuss)
What You and Your Society Can Do

- Invite your local legislators to a JGS meeting
- Send all your legislators—federal, state, local your blog/newsletter—remember you and your society members are their constituents
- Stop into their local offices and get to know them and their staffs
Tool Kit
See:
http://tinyurl.com/83q6t8m

Interview on Records Access
http://tinyurl.com/kudonq8

Both on IAJGS Website Home Page
Bills change subjects from what they originally covered when introduced.

What to do?

Actively monitor and review all future versions of the bill
How to read changes:

Underlined/italicized words are new

Crossed-out words are those being removed

AB 130

509. (a) A party to a confidential marriage may obtain a
certified copy of the confidential marriage certificate from the
county clerk of the county in which the certificate is filed in any
of the following ways: by submitting an application that satisfies
the requirements of Chapter 14 (commencing with Section 103523)

(1) By submitting the application for a certified copy of the
confidential marriage certificate provided to the parties pursuant
to Section 508.

(2) By personally appearing before a notary public or at the
county clerk’s office in the party’s county of residence, producing
valid photo identification, obtaining a certificate attesting to the
party’s identity from the notary public or county clerk, and mailing
or faxing that certificate, together with a request for the certified
copy of the confidential marriage certificate, to the county clerk
of the county with which the certificate is filed.

(3) By personally appearing at the county clerk’s office where
the certificate is filed and producing proper identification.

(b) Copies of a confidential marriage certificate may be issued
to the parties to the marriage upon payment of the fee equivalent
to that charged for copies of a marriage certificate.

SECTION 1.

SEC. 2. Section 102230 of the Health and Safety Code is
Each Country and State Is Different

You need to know how your country or state writes legislation.

How a bill becomes a law
How To Find Your Country/State’s?

“How A Bill Becomes A Law”

Google it!

www.google.com
Nevada

Bill is introduced

Committee Hearings

If passed, is sent to the other House

Floor Action

The bill is returned to original house

If original house concurs with amendments

Bill goes to Governor

If approved, without amendments

If approved, with amendments

If Governor does not veto

Most bills become law October 1st
Every step on the "How A Bill Becomes A Law" is an opportunity to shape the outcome...from the day it is introduced, the hearings, going to the floor of the legislature, to the governor’s/Prime Minister’s desk. Take the necessary steps at each opportunity!
Legislation That Effects Access Is Also From
US Congress
Thomas: Library of Congress
Write a Letter to the Committee(s) Which Will Hear the Bill

Who do you include?
- Committee Chairperson
- Committee Members
- Author of Bill (may or may not be on the committee hearing the bill)
- Committee Staff

If bill is going to president/PM or governor for signature

Write to president/ PM/governor and legislative aide
How To Find Out Where To Write

Go to www.IAJGS.org and click on Legislation
Then on Legislative Websites
US State Legislative websites
US Congress
Canadian Parliament and Provincial Websites
See you in Boston

33rd IAJGS International Conference on Jewish Genealogy
August 4-9, 2013
# Government Legislative Websites

This is a list of websites for **United States** state and federal governments and the **Canadian** federal and provincial governments. Members of Jewish Genealogical Societies can use this list to watch for legislation affecting access to records and make their voices heard regarding their value to genealogists. See also our [Alerts page](#).

## Canadian Government Website

- **State**
  Canadian government website

To find out names of Ministers and Members of Parliament and to find out what is happening that day in Senate and House of Commons use:
- [http://canada.gc.ca/directories/direct_e.html](http://canada.gc.ca/directories/direct_e.html)

## Canadian Provincial Websites

<table>
<thead>
<tr>
<th>Province</th>
<th>Website</th>
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</thead>
<tbody>
<tr>
<td>Alberta</td>
<td><a href="http://www.gov.ab.ca">http://www.gov.ab.ca</a></td>
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<tr>
<td>British Columbia</td>
<td><a href="http://www.gov.bc.ca">http://www.gov.bc.ca</a></td>
</tr>
<tr>
<td>Manitoba</td>
<td><a href="http://www.gov.mb.ca">http://www.gov.mb.ca</a></td>
</tr>
<tr>
<td>New Brunswick</td>
<td><a href="http://www.gnb.ca">http://www.gnb.ca</a></td>
</tr>
<tr>
<td>Newfoundland/Labrador</td>
<td><a href="http://www.gov.nl.ca">http://www.gov.nl.ca</a></td>
</tr>
<tr>
<td>Northwest Territories</td>
<td><a href="http://www.gov.nt.ca">http://www.gov.nt.ca</a></td>
</tr>
<tr>
<td>Ontario</td>
<td><a href="http://www.gov.on.ca">http://www.gov.on.ca</a></td>
</tr>
<tr>
<td>Québec</td>
<td><a href="http://www.gouv.qc.ca">http://www.gouv.qc.ca</a></td>
</tr>
<tr>
<td>Saskatchewan</td>
<td><a href="http://www.gov.sk.ca">http://www.gov.sk.ca</a></td>
</tr>
</tbody>
</table>

## United States Congress Websites

- [http://www.senate.gov](http://www.senate.gov)  
  US Senate website
  US House of Representatives website
- [http://thomas.loc.gov](http://thomas.loc.gov)  
  to find a specific bill in Congress

## State Legislatures Websites


<table>
<thead>
<tr>
<th>State</th>
<th>Website</th>
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<tbody>
<tr>
<td>Alabama</td>
<td><a href="http://www.legislature.state.al.us">http://www.legislature.state.al.us</a></td>
</tr>
<tr>
<td>Alaska</td>
<td><a href="http://w3.legis.state.ak.us">http://w3.legis.state.ak.us</a></td>
</tr>
<tr>
<td>Arizona</td>
<td><a href="http://www.azleg.state.az.us">http://www.azleg.state.az.us</a></td>
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<tr>
<td>Arkansas</td>
<td><a href="http://arkleg.state.ark.us">http://arkleg.state.ark.us</a></td>
</tr>
<tr>
<td>California</td>
<td><a href="http://www.legislature.ca.gov">http://www.legislature.ca.gov</a></td>
</tr>
<tr>
<td>Colorado</td>
<td><a href="http://www.leg.state.co.us">http://www.leg.state.co.us</a></td>
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<tr>
<td>Delaware</td>
<td><a href="http://www.del">http://www.del</a> legis.state.de.us/nfs/Legislature.nsf?Open</td>
</tr>
<tr>
<td>Florida</td>
<td><a href="http://www.leg.state.fl.us/Welcome/index.cfm">http://www.leg.state.fl.us/Welcome/index.cfm</a></td>
</tr>
<tr>
<td>Georgia</td>
<td><a href="http://www.legis.state.ga.us">http://www.legis.state.ga.us</a></td>
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<tr>
<td>Hawaii</td>
<td><a href="http://www.capitol.hawaii.gov">http://www.capitol.hawaii.gov</a></td>
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<tr>
<td>Idaho</td>
<td><a href="http://www.legislature.idaho.gov">http://www.legislature.idaho.gov</a></td>
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<td>Illinois</td>
<td><a href="http://www.illinois.gov/government/gov_legislature.cfm">http://www.illinois.gov/government/gov_legislature.cfm</a></td>
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<tr>
<td>Indiana</td>
<td><a href="http://www.in.gov/legislative">http://www.in.gov/legislative</a></td>
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<tr>
<td>Iowa</td>
<td><a href="http://www.legis.state.ia.us">http://www.legis.state.ia.us</a></td>
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<tr>
<td>Kansas</td>
<td><a href="http://www.kslegislature.org/legs-portal/index.do">http://www.kslegislature.org/legs-portal/index.do</a></td>
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<tr>
<td>Kentucky</td>
<td><a href="http://www.lrc.state.ky.us/home.htm">http://www.lrc.state.ky.us/home.htm</a></td>
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<td>Louisiana</td>
<td><a href="http://www.legis.state.la.us">http://www.legis.state.la.us</a></td>
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<tr>
<td>Maine</td>
<td><a href="http://www.maine.gov/legis">http://www.maine.gov/legis</a></td>
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<tr>
<td>Maryland</td>
<td><a href="http://mlis.state.md.us">http://mlis.state.md.us</a></td>
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<tr>
<td>Massachusetts</td>
<td><a href="http://www.masslegislature.gov">http://www.masslegislature.gov</a></td>
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<tr>
<td>Michigan</td>
<td><a href="http://www.legislature.mi.gov">http://www.legislature.mi.gov</a></td>
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<tr>
<td>Minnesota</td>
<td><a href="http://www.leg.state.mn.us">http://www.leg.state.mn.us</a></td>
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<td>Mississippi</td>
<td><a href="http://www.ls.state.ms.us">http://www.ls.state.ms.us</a></td>
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<tr>
<td>Missouri</td>
<td><a href="http://www.moga.state.mo.us">http://www.moga.state.mo.us</a></td>
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<tr>
<td>Montana</td>
<td><a href="http://log.state.mt.us/css/default.asp">http://log.state.mt.us/css/default.asp</a></td>
</tr>
<tr>
<td>Nebraska</td>
<td><a href="http://www.unicam.state.ne.us">http://www.unicam.state.ne.us</a> (unicameral)</td>
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<tr>
<td>Nevada</td>
<td><a href="http://www.leg.state.nv.us">http://www.leg.state.nv.us</a></td>
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<tr>
<td>New Hampshire</td>
<td><a href="http://gencourt.state.nh.us/ie">http://gencourt.state.nh.us/ie</a></td>
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<tr>
<td>New Jersey</td>
<td><a href="http://www.njleg.state.nj.us">http://www.njleg.state.nj.us</a></td>
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<tr>
<td>New Mexico</td>
<td><a href="http://legis.state.nm.us/lcs/default.asp">http://legis.state.nm.us/lcs/default.asp</a></td>
</tr>
<tr>
<td>North Carolina</td>
<td><a href="http://www.ncga.state.nc.us/home?Page.pl">http://www.ncga.state.nc.us/home?Page.pl</a></td>
</tr>
<tr>
<td>North Dakota</td>
<td><a href="http://www.state.nd.us/ir/">http://www.state.nd.us/ir/</a></td>
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<tr>
<td>Ohio</td>
<td><a href="http://www.legislature.state.oh.us">http://www.legislature.state.oh.us</a></td>
</tr>
<tr>
<td>Oklahoma</td>
<td><a href="http://www.lsbt.state.ok.us">http://www.lsbt.state.ok.us</a></td>
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<tr>
<td>Oregon</td>
<td><a href="http://www.leg.state.or.us">http://www.leg.state.or.us</a></td>
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<tr>
<td>Pennsylvania</td>
<td><a href="http://www.legis.state.pa.us">http://www.legis.state.pa.us</a></td>
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<tr>
<td>Rhode Island</td>
<td><a href="http://www.rilin.state.ri.us">http://www.rilin.state.ri.us</a></td>
</tr>
<tr>
<td>South Carolina</td>
<td><a href="http://www.scstatehouse.net">http://www.scstatehouse.net</a></td>
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<tr>
<td>South Dakota</td>
<td><a href="http://legis.state.sd.us/index.cfm">http://legis.state.sd.us/index.cfm</a></td>
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<tr>
<td>Tennessee</td>
<td><a href="http://www.legislature.state.tn.us">http://www.legislature.state.tn.us</a></td>
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</table>
Get To Know Your Local Representatives

All politics are local!

Each JGS Board member and others in your society should get to know:

Your local State/Province/MP Representative
Your local State/Province Senator
Your Local Congressperson
Your US Senators
Your Country’s Governing Members
And their staffs!
Keep Informed

You need to know what is going on

• Read online the capitol’s newspaper and key political columnist
• Keep in touch with other genealogy societies to know what they are doing
• Post updates on your society website/blog/newsletter
We need you to be the eyes and ears for early alerts about the bills.

Your local presence and involvement is key to success!
COALITION-BUILDING

YOU ARE NOT ALONE!
REACH OUT!

ARCHIVISTS
HISTORIANS
LIBRARIANS
LOCAL/STATE PRESS
OTHER GENEALOGICAL SOCIETIES
IAJGS/RPAC
OTHER ORGANIZATIONS DEPENDING ON ISSUES IN BILLS
Contact IAJGS PRAMC
We can help!
We need to know early and throughout what is happening
jan@iajgs.org
Jan Alpert, Chairperson, Records Preservation and Access Committee

2011 Model Vital Records Act
About RPAC

- Joint Committee of FGS, NGS, & IAJGS
- Participating organizations: APG, ASG, BCG, and ICAPGen.
- Other participants: Ancestry & ProQuest
- State Liaisons (31 of the 50 states currently represented)
## RPAC Participants

- Jan Alpert, Chair, (SC)
- Jordan Jones, NGS, (NC)
- Donn Devine, NGS (DE)
- Darrell Jackson, NGS (MO)
- Jan Meisels Allen, IAJGS (CA)
- Ken Ryesky, IAJGS (NY)
- Kelvin Meyers, APG (TX)
- Alvie Davidson, APG (FL)
- Lou Szucs, Ancestry (IL)
- Josh Taylor, FGS (CA)
- David Rencher, FGS (UT)
- Curt Witcher, FGS (IN)
- Fred Moss, FGS (TX)
- Linda McCleary, FGS (AZ)
- Joy Reisinger, FGS (WI)
- Barbara Mathews, BCG (MA)
- Roger D. Joslyn, ASG (NY)
- Linda Gulbrandsen, ICAPGEN (UT)
- Bill Forsyth, ProQuest (MI)
RPAC Mission

• Advocate open access to vital records
• Support strong preservation policies & practices
• Advise community about federal, state, and sometimes local regulations and legislation
• Coordinate genealogical community response
How RPAC Works

• Monthly evening conference call—First Thursday each month
• Updates to committee members on local, state, federal, and international threats to access rpac@fgs.org
• Presentations 2013 at NGS, FGS, & IAJGS
• RPAC Blog at http://www.FGS.org/rpac
• Questions contact RPAC access@fgs.org
2013 State Legislative Accomplishments

Posted on July 14, 2013 by FredMocc

With thanks to Jan Alpert, RPAC Chair:

As the legislative year draws to a close in most states, it is a good time to assess its impact on genealogists. RPAC, member organizations, and concerned genealogists wrote letters to appropriate legislators, committee chairs, and governors. We are pleased to report that—when the genealogical community became aware of an issue and responded—we had a favorable impact on legislation. Record closures were averted or remained unchanged in several states.

As we reported in March, a Working Group consisting of state and local vital statistics executives and one lawyer, drafted the 2011 Revision of the Model Vital Statistics Act which extends the closure periods for access to vital records to 125 years after the date of a live birth, 75 years after the date of death, or 100 years after the date of marriage or divorce. You can read the proposed 2011 Model Act

Mission Statement

To advise the genealogical community on ensuring proper access to historical records of genealogical value in whatever media they are recorded, on means to effect legislation, and on supporting strong records preservation policies and practices.

Recent Posts

- 2013 State Legislative Accomplishments
- California Records Access Threat—Journalists & Genealogists Respond — Updated
- Georgia Archives — This Feels Like Progress!
RPAC Blog
http://www.fgs.org/rpac/publications
RPAC Blog
http://www.fgs.org/rpac/publications

**KEEP PUBLIC RECORDS OPEN**

**Addressing THE PROS**

- The U.S. Surgeon General encourages families to research cause of death of parents, grandparents, and great grandparents.
- The Social Security Administration publishes The Social Security Death Index (SSDI) to lenders, businesses, and government agencies can check online to make sure someone is not using the social security number of a deceased person.
- People need access to public records for proof of birth for passports and drivers' licenses.
- U.S. Census records are available after 72 years.
- Americans are interested in researching their cultural heritage which includes information contained in vital records.
- Genealogists are the single largest constituency of users for state archives. Source: State Archivists State of the State Report, January 2007

**Addressing THE MYTHS**

- There is no proof open records significantly contribute to ID theft or fraud.
- Social Security numbers are rarely stolen from documents found in government offices, including court houses. They are usually stolen by thieves breaking into banking and business databases or conducting internet scams.
- County and state vital records were not used to commit the terrorist acts on September 11, 2001, yet state legislatures have passed more than 1,000 laws changing access to public records. Source: Robert Tannen, AP National Writer. Analysis: States Strictly Limiting Info, www.scriulnews.org, March 2006.

For more information:

- Visit www.fgs.org/rpac
- Read Strategy for Records Preservation and Access available at www.fgs.org/rpac

**The Records WE NEED**

The Records Preservation and Access Committee supports open access to all vital records. Access to vital records helps estranged families find each other and reunite. Open access enables families to research the cause of death for cousins and extended families, making it possible to identify and treat inherited diseases.

- Some 16 states which have open access to vital records, have not experienced any greater frequency of identity fraud than the more restrictive states. Identity theft usually occurs when a large database is compromised not as a result of access to vital records.
- Birth, marriage, divorce, and death records should be open to the public and available for research for informational purposes.
- The mother's maiden name is an important family link and should continue to be provided on vital records. Banks and other financial institutions now provide a broad choice of other security questions.
- Adoption records should be opened to an adoptee who has attained the legal age of majority. Adoption records should be considered open records to the public after 72 years, the same time frame which is applied to U.S. Census records.
- Informational copies should be available for the general public and identified as for "genealogical purposes only".

In states which have restricted access to vital records, RPAC works with the legislatures to achieve more open access.
How RPAC Hears About Threats

– Members of RPAC committee
– Participating organizations in RPAC
– State Liaisons
– Genealogy Blogs
– Library of Congress—Thomas
  http://thomas.loc.gov/home/thomas.php
How RPAC Responds to Threats

- RPAC supports and assists state genealogy groups and state liaisons
- Monitors bills in the legislative progresses
- Communicates threats and bill status
- Prepares written statements for key committee hearings
- Posts sample letters to legislators
- Talking Points for visits with your legislators during August recess
State Liaisons—How Selected

- Normally by state umbrella society, or
- By agreement of local genealogical and/or historical societies
- Looking for volunteers interested in the political process
- Who possibly worked in government affairs, state or local government
- If interested see me after this presentation
State Liaison Responsibilities with Support from RPAC

• Monitor state legislative & regulatory activity
• Timely Alert to RPAC
• Primary link between state genealogical community & RPAC
• Build a communications network across the state for a consistent response
• Compile state specific data on access and retention of vital records for RPAC website.
Current Threats to Access

• Model State Vital Statistics Act
• Limited funding for state archives and libraries
• Attempts to close access to the Social Security Death Index
Model State Vital Statistics Act

• Enacted in 1992.
• Many western states have followed Model Act
  – Restricts access to birth records for 100 years
  – Restricts access to marriage, divorce, & death for 50 years
• In 2009 working group began revisions
• Genealogical community was not asked to testify or submit statements
2011 Revision

Model State Vital Statistics Act

• Working group reported revision May 2011
  – Restricts access to birth records for 125 years (25+)
  – Restricts access to marriage or divorce records for 100 years (50+)
  – Restricts access to death records for 75 years (25+)

• April 2012 Dept. of Health & Humans Services (HHS) put Model Act “on hold”
RPAC Alert – 2011 Revision of Model State Vital Statistics Act

Background: Many state vital records registrars have been operating since 1992 under state legislation based on the last approved Model State Vital Statistics Act which includes restrictions on access to birth records for 100 years and death, marriage, and divorce records for 50 years. The Model State Vital Statistics Act was developed by the Center for Disease Control and Prevention (CDC), a US government agency under the Department of Health and Human Services. The 1992 Model Act currently in effect, may be read at: http://www.cdc.gov/nchs/data/misc/mvsact92b.pdf

A Working Group, consisting primarily of state and local vital statistics executives, was formed in 2009 to update the Model Act and after distributing a draft to vital records officers for comments in 2011, reported out their work as the 2011 Revision in May 2011. The draft was not distributed to the genealogical community for comments. In June 2011 the National Association for Public Health Statistics and Information Systems (NAPHSIS) endorsed the 2011 Revision of the Model State Vital Statistics Act and Regulations and encouraged state vital registration executives to introduce legislation which supported the 2011 Draft Revision. The proposed Model Act extends the closure periods to 125 years after the date of a live birth, 75 years after the date of death, or 100 years after the date of marriage or divorce. RPAC has responded to each state initiative when we were notified of pending legislation. You can read the proposed 2011 Model Act at http://tinyurl.com/c9jjj58.

http://www.fgs.org/rpac
2011 Revision Model Act

• Several states introduced Revised Model Act
  – Passed in Oklahoma in 2011—no one noticed
  – 2013 bills introduced in Oregon and Texas
    • Oregon passed with no change in embargo period
    • Texas bill died in committee
    • In Washington State did not receive support at administrative committee level

• Where RPAC and the genealogical community worked together, there was no adverse change.
Current Position of NAPHSIS

• A Member of MGC & RPAC attended the NAPHSIS Annual Conference June 2013

• Comments from her Executive Summary
  – Vital Records Officers do not like genealogists
  – They don’t believe they have an obligation to work with stakeholders who are genealogists
  – If they are unable to pass the 2011 Model Act, they will look for ways to introduce similar provisions through new regulations.
Be Proactive

- Expect more states to introduce Model Vital Statistics Act in the next year or two.
- Organize Now!
- Genealogical organization presidents and APG chapter presidents need to meet with health services committee chairs now, so if a bill is introduced, the embargo period will remain “unchanged.”
Dept. Health & Human Services

• Under HIPAA, federal Health Insurance Portability and Accountability Act
  – HHS adopted new rules which include opening up medical records 50 years after the patient’s death.
  – After 50 years difficult to find a legal representative
  – Became effective 26 March 2013
  – Clarity for archives who hold hospital records
Funding of State Libraries & Archives

• In 2012 the Georgia Archives budget was severely reduced
• Through the efforts of the Georgia Genealogical Society and others including RPAC, partial funding was restored.
• Genealogists, tell your legislators that these state repositories preserve the history of your state and are irreplaceable.
SOCIAL SECURITY
DEATH INDEX
THREATENED

Presenter:
Kenneth H. Ryesky, Esq.

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NOMENCLATURE:

DEATH MASTER FILE (DMF): Social Security Administration database.

SOCIAL SECURITY DEATH INDEX (SSDI): Commercially purveyed version of DMF.
NOMENCLATURE:

DATA SECURITY:
Controls & restrictions over data access.

DATA STEWARDSHIP:
Treatment and processing of data.
STOLEN
IDENTITY
REFUND FRAUD
### Filing Status
Check only one box.

- [ ] Single
- [ ] Married filing jointly (even if only one had income)
- [ ] Married filing separately. Enter spouse’s SSN above and full name here.
- [ ] Head of household (with qualifying person). (See instructions) If the qualifying person is a child but not your dependent, enter this child’s name here.
- [ ] Qualifying widow(er) with dependent child

### Exemptions
6a [ ] Yourself, if someone can claim you as a dependent, do not check box 6a.
6b [ ] Spouse
6c [ ] Dependents: (i) First name Last name (ii) Dependent's social security number (iii) Dependent’s relationship to you (iv) If child under age 17 qualifying for tax credit (see instructions)

If more than four dependents, see instructions and check here.

- [ ] Total number of exemptions claimed

### Income
7 Wages, salaries, tips, etc. Attach Form(s) W-2.
8 Tax-exempt interest. Attach Schedule B if required.
9a Ordinary dividends. Attach Schedule B if required.
9b Qualified dividends
10 Taxable refunds, credits, or offsets of state and local income taxes
11 Alimony received
12 Business income of (or loss), Attach Schedule C or C-EZ
13 Capital gain or (loss), Attach Schedule D if required. If not required, check here.
14 Other gains or (losses), Attach Form 4797.
15a IRA distributions
15b [ ] Taxable amount
16a Pensions and annuities
16b [ ] Taxable amount
17 Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E.
18 Farm income or (loss), Attach Schedule F.
19 Unemployment compensation
20a Social security benefits
20b [ ] Taxable amount
21 Other income. List type and amount
22 Combine the amounts in the far right column for lines 7 through 21. This is your total income.

### Adjusted Gross Income
23 [ ] Educator expenses
24 Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106 or 2106-EZ
25 Health savings account deduction. Attach Form 8889.
26 Moving expenses. Attach Form 3903.
27 Deductible part of self-employment tax. Attach Schedule SE.
28 Self-employed SEP, SIMPLE, and qualified plans.
29 Self-employed health insurance deduction
30 Penalty or early withdrawal of savings.
31a Alimony paid [ ] Recipient’s SSN
31b [ ] Taxable amount
32 IRA deduction
33 Student loan interest deduction
34 Tuition and fees. Attach Form 8863.
35 Domestic production activities deduction. Attach Form 8990.
36 Add lines 33 through 35
37 Subtract line 36 from line 22. This is your adjusted gross income.

For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see separate instructions.
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<thead>
<tr>
<th>Employee’s social security number</th>
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<td>Employer’s name, address, and ZIP code</td>
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<td>Control number</td>
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<td>Employee’s first name and initial</td>
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<td>Last name</td>
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<td>State wages, tips, etc.</td>
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<td>State income tax</td>
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<tr>
<td>Local wages, tips, etc.</td>
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<td>Local income tax</td>
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<td>Locality name</td>
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**Employee’s Social Security Number:** 22222

**W-2 Wage and Tax Statement** 2013

**Copy 1 — For State, City, or Local Tax Department**
CONGRESSIONAL HEARING
TESTIMONY

► Terry D. McClung, Jr., Senate Finance Committee (25 May 2011).

► Jonathan Eric Agin, House Ways and Means Committee (2 February 2012).
Application for a Social Security Card

NAME TO BE SHOWN ON CARD
1. Full Name at Birth
   First:          Middle:             Last:
   OR OTHER THAN ABOVE
   First:          Middle:             Last:

OTHER NAMES USED
2. Social Security number previously assigned to the person listed in item 1
   -

PLACE OF BIRTH
3. (City State of Foreign Country
   Office of Deportation
   Date of Entry

DATE OF BIRTH
4. MM/DD/YYYY

CITIZENSHIP
5. U.S. Citizen
   Legal Alien Admit To Work
   Legal Alien Not Allowed To Work
   Other (See Instructions on Page 3)
   Race

ETHNICITY
6. Are You Hispanic or Latino? Your Response is Voluntary
   Yes:          No:

RACE
7. Native Hawaiian
   Asian American
   American Indian
   Other Pacific Islander

SEX
8. Male:          Female:

PARENT/MOTHER'S NAME AT HER BIRTH
9. A. First:          Full Middle:       Last:
   B. First:          Full Middle:       Last:

PARENT/MOTHER'S SOCIAL SECURITY NUMBER
10. (See Instructions on Page 3)
    A. First:          Full Middle:       Last:
    B. First:          Full Middle:       Last:

FATHER'S NAME
11. A. First:          Full Middle:       Last:
    B. First:          Full Middle:       Last:

Has the person listed in item 1 or anyone acting on his/her behalf ever filed for or received a Social Security number before?
   Yes: (If "yes" answer question 12.1)
   No:     (If "no", move to question 13.)

Name shown on the most recent Social Security card issued for the person listed in item 1
   First:          Full Middle:       Last:

Enter any different date of birth if used on an earlier application for a card
   MM/DD/YYYY

TODAY'S DATE
14. MM/DD/YYYY

DAYTIME PHONE NUMBER
15. Area Code:          Number:

MAILING ADDRESS
16. (Do Not Abbreviate)
    Box Number:

I declare under penalty of perjury that I have examined all the information on this form, and on any accompanying statements or forms, and that it is true and correct to the best of my knowledge.

YOUR SIGNATURE
17. (Sign in ink)

YOUR RELATIONSHIP TO THE PERSON IN ITEM 1 IS:
18. 

Form SS-5 (09-2011) of (08-2011) Destroy Prior Editions Page 1
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</table>
THE PROPOSED DMF RESTRICTION LEGISLATION:
PROPOSED LEGISLATION:

HR 295: Protect and Save Act of 2013


SPONSOR: Richard Nugent (R-FL).

CO-SPONSORS: {None}

STATUS: Referred to W&M.
PROPOSED LEGISLATION:

HR 295: Protect and Save Act of 2013:

PROVISIONS:

DMF RESTRICTIONS: Current year +2, Certification.

OTHER PROVISIONS:

▪ Law Enforcement Information Sharing.
▪ IRS PIN System for Identity Theft Victims.
▪ Studies & Reports (CG & Treasury).
PROPOSED LEGISLATION:

HR 466: Social Security Death Master File Privacy Act of 2013

INTRODUCED: 4 February 2013.
SPONSOR: Michael Capuano (D-MA).
CO-SPONSORS: {None}
STATUS: Referred to W&M, SS Subcommittee.
PROPOSED LEGISLATION:

HR 466:
Social Security Death Master File Privacy Act of 2013

DMF RESTRICTIONS: Total Lockdown.
OTHER PROVISIONS: {None}
PROPOSED LEGISLATION:

HR 531: Tax Crimes and Identity Theft Prevention Act


SPONSOR: Kathy Castor (D-FL).

CO-SPONSORS: G. K. Butterfield (D-NC); Ted Deutch (D-FL); Alcee Hastings (D-FL); Richard Nugent (R-FL); Dennis Ross (R-FL); Peter Welch (D-VT); Frederica Wilson (D-FL).

STATUS: Referred to Judiciary Committee.
PROPOSED LEGISLATION:
HR 531: Tax Crimes and Identity Theft Prevention Act

DMF RESTRICTIONS:
Embargo, current year +1. Certification for early access.
PROPOSED LEGISLATION:

HR 531: Tax Crimes and Identity Theft Prevention Act

OTHER PROVISIONS:

- Law Enforcement Information Sharing.
- IRS PIN System for Identity Theft Victims.
- Studies & Reports (IRS, CG & Treasury).
- Enhanced Penalties.
- IRS Procedures addressing Identity Theft.
- Funding and Budgeting Provisions.
PROPOSED LEGISLATION:

HR 2720: Alexis Agin Identity Theft Protection Act of 2013

INTRODUCED: 18 July 2013.
SPONSOR: Sam Johnson (R-TX).
CO-SPONSORS: Xavier Becerra (D-CA), Diane Black (R-TN), Marsha Blackburn (R-TN), Vern Buchanan (R-FL), Tony Cardenas (D-CA), Mike Kelly (R-PA), Michael McCaul (R-TX), James Renacci (R-OH), Joe Wilson (R-SC), Ted Yoho (R-FL).
STATUS: Referred to W&M.
PROPOSED LEGISLATION:

HR 2720: Alexis Agin Identity Theft Protection Act of 2013

DMF RESTRICTIONS: 3 Years, Certification.
Other Provisions:
  ▪ Security Requirements for Users of Info.
  ▪ Reports (SSA).
  ▪ Sunset of DMF (2019).
PROPOSED LEGISLATION:

S 676: Identity Theft and Tax Fraud Prevention Act of 2013

INTRODUCED: 9 April 2013.

SPONSOR: Bill Nelson (D-FL).

CO-SPONSORS: Benjamin Cardin (D-MD); Dianne Feinstein (D-CA); Kirsten Gillibrand (D-NY); Chuck Schumer (D-NY).

STATUS: Referred to Finance Committee.
PROPOSED LEGISLATION:

S 676: Identity Theft and Tax Fraud Prevention Act of 2013

DMF RESTRICTIONS: Embargo, current year +2.
PROPOSED LEGISLATION:
S 676:

CERTIFICATION PROGRAM FOR EARLY ACCESS:

- Qualifications for Certification: Need to Know:
  - Fraud Prevention.
  - Insurance or Benefit Administration.

- IRS certification program must include audits.

- Subject to Disclosure Requirements which IRS determines will prevent fraud.

- Penalty: $5,000 for each improper disclosure.
PROPOSED LEGISLATION:

S 676:

OTHER FEATURES INCLUDE:

▪ IRS INTERNAL PROCESS/PROCEDURE MANDATES.

▪ LAW ENFORCEMENT PROVISIONS.

▪ CRIMINAL & CIVIL PENALTIES.

▪ STUDIES AND REPORTS.

▪ FUNDING.

▪ REAL-TIME TAX SYSTEM TRANSITION.
IAJGS POSITION ON LEGISLATION:

**Ideal:** No Restrictions on DMF/SSDI Access.

**Practical:** Most of the genealogical community *could* support a current year +2 or +3 embargo, *provided that:*

- Forensic genealogists, heir researchers, and those researching individual genetically inherited diseases to be certified for immediate access.
TO KEEP IN MIND:

► Form SS-5 has parents' SSNs.

► IRS was aware of problem in 1998 if not before.

► SSDI is now behind pay wall, access is traceable.

► Identity thieves are now moving to SSNs of living persons, "available" from diverse sources.
HYPOTHETICAL SYSTEM SPECIFICATIONS:

- Assailant is Rewarded.
- Public Bears Cost of Rewarding Assailant.
- Victim is Punished Twice.
The Scapegoat
William Holman Hunt (1856)
Louis Armstrong (1901 – 1971)
MAKE THE CASE FOR GENEALOGY!