Right to be forgotten

Sorry, due to budget cuts, we are only open to the public on the third Wednesday of every other month.

Access Denied!

Only the dead can get copies of their death records

You have to prove your kinship before you can obtain your great grandfather’s records

So, what can we DO about this?

“NYC is a closed jurisdiction and we are not public records.”

“OPENED TO PUBLIC”
Genealogy Under Fire: Government Actions to Impede Access to Records YOU Need

Panel
Sponsored by the International Association of Jewish Genealogical Societies
IAJGS Salt Lake City
July 30, 2014

Jan Meisels Allen,
Chairperson, IAJGS
Public Records Access Monitoring Committee [PRAMC]
Member RPAC

Janet Alpert, Chairperson,
Records Preservation & Access Committee [RPAC]
Past President, NGS

Teven Laxer
Member, IAJGS
Public Records Access Monitoring Committee
Member JGS Sacramento
IAJGS Public Records Access Monitoring Committee

- Jan Meisels Allen, Chairperson, JGS Conejo Valley & Ventura County
- Teven Laxer, JGS Sacramento
- David Ockene, JGS NY
- Kenneth H. Ryesky, Esq., JGS LI
- Paul Silverstone, JGS NY (IAJGS Treasurer)
- Joel L. Spector, JGS Greater Philadelphia
- Catherine Youngren, Jewish Genealogical Institute of British Columbia
- Marlis Humphrey *ex officio*, President, IAJGS (JGS Orlando)
IAJGS Public Records Access Alert

- 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 from a JGS or JewishGen SIG or Discussion List may subscribe—at least one per society as a minimum
- 123 alerts since last year’s conference
- 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 and due to Budget Cuts
International Issues PRAMC
Following This Year

- European Union Court Decision RE: Google on “Right to Be Forgotten” 80,000 removal requests in 1st month
- 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.

The "right to be forgotten”
The “right to be erased”
IAJGS Letter to 28 EU Members’ Ministers of Justice

IAJGS letter focused:

- On right to be remembered - re: holocaust victims
- Genealogy assisting researchers in tracing family medical problems that are passed on from generation to generation. Information included in birth, marriage, and death records is critical to reconstructing families and tracing genetically inherited attributes in current family members.
- Access to vital records—historical as well as current—is essential in making certain that one is researching the correct person.
European Union Parliament Voted to Approve Regulations Last Fall
Added the “Right to be Erased”
European Union Election May 2014
26% right–wing and anti-EU
Will new Parliament Vote to Amend Proposed Regulation?
EU Council Has Yet to Vote On Proposal
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Issues PRAMC Following This Year

**Poland**

- Polish Legislation to Change Access to Records—first law to regulate access previously by ministerial dictate.
- Proposes 100 years birth
  - 80 years marriage and death
- Gesher Galicia proposing 30 years death and 70-75 for marriage
- Shorten time periods for USC to transfer records to Polish State Archives where records are open for public.

**Russia**

- Personal data only stored within servers located within Russia –unknown if permitted to share outside of Russia
"We do not follow that state law. NYC is a closed jurisdiction and we are not public records. For birth and death certificates, you must show entitlement. There aren't an amount of years when our records become public yet."
IAJGS Website Home Page
http://www.iajgs.org/blog/
IAJGS Legislation Home Page  http://www.iajgs.org/blog/legislation/

Legislation

Public Records Access Monitoring Committee

The International Association of Jewish Genealogical Societies has a great interest in monitoring legislation that might limit access to genealogical source materials.

We have therefore established a Public Records Access Monitoring Committee to share information about new legislation and any threat it may pose to genealogical researchers having access to the records they need to be successful in searching out their Jewish ancestry.

- PRAMC Charter
- Annual Report (PDF)
- Public Records Access Alerts List: You must belong to an IAJGS members society, or a JewishGen SIG or discussion group to be
http://www.iajgs.org/blog/legislative-websites
# US Legislative Websites

### United States Congress Websites

- To find a specific bill in Congress: [http://thomas.loc.gov](http://thomas.loc.gov)

### State Legislatures Websites

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Genealogists’ Declaration of Rights

I Signed!
The Declaration of Rights is a statement advocating open access to federal, state, and local public records. The Declaration affirms America’s long history of open public records, which has been threatened the last few years over concerns about identity theft and privacy.
Genealogists’ Declaration of Rights

While this Declaration is US-focused, IAJGS is aware that the access to records is a worldwide problem. As different countries have different privacy rules, a “one-size” fits all did not work.

IAJGS encourages other members located outside the United States to adopt a similar Declaration that complies with their countries’ privacy rules—they need to confer with the other genealogical organizations in their countries to develop their Declaration permitting the widest possible support.

IAJGS is ready to assist members outside the US with their Declaration.
Have You Signed?

- We are next to the IAJGS Desk
- Come and sign the Declaration
- Sign by state
- Can sign electronically

PRAMC Annual Report

➤ Posted to IAJGS Website
Contact IAJGS PRAMC

We can help!
We need to know what’s happening with legislation and regulations in your area early and through the entire legislative and regulatory process.

Sign-up for the records access alert
Sign the Genealogists’ Declaration of Rights

jan@iajgs.org
Jan Alpert, Chair
Records Preservation and Access Committee (RPAC)
What is RPAC?

- Joint Committee of IAJGS, FGS, & NGS
- Participating organizations: APG, ASG, BCG, and ICAPGen
- Other participants: Ancestry & ProQuest State Liaisons (30 of the 50 states currently represented)
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 2014 at NGS, IAJGS, & FGS
- RPAC Blog at http://www.FGS.org/rpac
- Questions contact RPAC access@fgs.org
Genealogists Initiate a Declaration of Rights

 Posted on May 11, 2014 by FredMoss

 With thanks to Jan Alpert, RPAC Chair

 Richmond, 10 May 2014: Jordan Jones, President of the National Genealogical Society (NGS), a sponsoring member of the Records Preservation and Access Committee (RPAC), announced the Genealogists’ Declaration of Rights before a crowd of more than 2,500 genealogists attending the Opening Session of the NGS 2014 Family History Conference in Richmond, Virginia on 7 May 2014.

 The Declaration of Rights is a statement advocating open access to federal, state, and local public records. The Declaration affirms America’s long history of open public records, which has been threatened the last few years over concerns about identity theft and privacy. The Records Preservation and Access Committee has worked with state and federal legislators as well as local public officials for more than twenty years in support of legislation and regulations that achieve a balance between access and privacy. The Declaration of Rights has been approved by the board of directors of the three sponsoring organizations: The National Genealogical Society (NGS), the Federation of Genealogical Societies (FGS), and the International Association of Jewish Genealogical Societies (IAJGS).
RPAC Blog
http://www.fgs.org/rpac/publications

About the committee
WHO WE ARE

Records Preservation & Access Committee
Federation of Genealogical Societies
www.fgs.org, Over 1,000,000 individual genealogists represented by more than 300 societies.

National Genealogical Society
www.ngsgenealogy.org
Almost 10,000 individual members and 650 society and library subscribers reaching over 300,000 genealogists.

International Association of Jewish Genealogical Societies
www.ijgs.org, Over 20 member organizations representing approximately 10,000 individuals.

American Society of Genealogists
www.asg.org, The scholarly honorary society limited to fifty fellows.

Association of Professional Genealogists
www.apgen.org
Representing over 1,800 professional genealogists.

Board for Certification of Genealogists
www.bcgcertification.org
Representing over 300 board-certified genealogists.

International Commission for the Accreditation of Professional Genealogists
www.icapgen.org, Representing over 200 professional accredited genealogists.

You can make a difference!
www.fgs.org/rpac

Addressing THE FACTS

Family history research is the fastest growing leisure activity in the United States.

According to a survey conducted by Harris Interactive (March 2012):
- Four in five Americans have an interest in learning about their family history.
- For nearly two in three (65%) Americans, learning about family history before they arrived in the U.S. is one of the most important benefits of researching family history.

FamilySearch has 6.872 billion historic records on microfilm that are being digitized and eventually indexed. Those records are available today at the Family History Library in Salt Lake City, Utah, which has over 400,000 visitors each year. The microfilm can also be ordered from local Family History Centers across the U.S. for a small fee. Facts about FamilySearch.org: the largest free family history research site on the Internet:
- Over 5 million average daily page views
- Over 1 million registered users
- Over 85,000 average daily visitors

Facts about Ancestry.com, the largest online family history research site in the U.S., with more than 2 million paying subscribers:
- More than 11 billion records
- More than 44 million family trees
- Largest online collection of historical U.S. military records.

THE CASE FOR OPEN PUBLIC RECORDS

www.fgs.org/rpac

Supporting the genealogical community across the United States
In every county in all 50 states and U.S. territories
Keep Public Records Open...

Addressing THE PROS

- The U.S. Surgeon General encourages families to research the cause of death of parents, grandparents, and great-grandparents.

- The Social Security Administration publishes *The Social Security Death Index (SSDI)* so 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 Tanner, AP National Writer, Analysis: States Strictly Restricting Info, *www.smmnewswire.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
ACCESS 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 theft than the more restrictive states. Identity theft usually occurs when a large database is compromised 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.
Model State Vital Statistics Act

- Previous 1992 Model Act enacted in many states
- 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
- Genealogists are viewed as hobbyists rather than professionals
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 & Human Services (HHS) put Model Act “on hold”
2011 Revision Model Act

- Several states introduced Revised Model Act
  - Passed in Oklahoma in 2011—but no one noticed
    - Only the deceased could obtain a copy of his/her death certificate
    - 2014 law changed to 125 year embargo birth records and 75 years death records.
  - 2013 bills introduced in Oregon and Texas
    - Oregon - passed with no change in embargo period but restricted indices to same embargo periods.
    - Texas - bill died in committee.
    - Washington - State did not receive support at administrative committee level.

- Where RPAC and the genealogical community proactively worked together, there has been limited adverse change.
Current Position of NAPHSIS

- Patricia Potrzebowski, NAPHSIS Executive Director spoke at the NGS Conference in May.

- NAPHSIS 2013 Annual Report
  - Role includes preventing identity theft and fraud by “protecting the data our members collect”
  - Building EVVE (Electronic Verification of Vital Events) to confirm vital records to government agencies rather than provide access to the public (genealogists)
  - Provide certified copies only to the individual.
Be Proactive

- Expect more states to introduce the 2011 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 in your state, the embargo period will remain “unchanged.”
- To prevent fraud, death records need to be public records
- If you don’t have a vital record on your ancestors, order them now. Vital Records may not be available later.
Available since 1980, the purpose of the Death Master File was to disclose information about the deceased to prevent fraud.

SSDI is the genealogists’ version of the Death Master File, provided by the Commerce Dept. to data aggregators such as Ancestry and FamilySearch as well as other industries.
  – Includes Social Security information, some state vital records, and funeral director information
  – SSA has been providing less data since Nov. 2011
Identity Theft and Income Tax Fraud

- Numerous hearings in Congress since 2011 allege that the SSDI is the source of the fraud.
- Since December 2011, Ancestry has redacted the Social Security Number from a deceased’s SSDI for 10 years from the date of death.
- RPAC has filed written statements to the Senate Finance and House Ways and Means Committee for the last three years requesting certification for forensic, professional, and certified genealogists.
  - Genealogists were never allowed to testify in person.
2013 Bipartisan Budget Act

- The Bipartisan Budget Act, passed December 2013, limits access to DMF for three years unless certified for access by Commerce Dept.
- Commerce Department held a hearing 4 March 2014.
- First time Genealogists were allowed to testify about access to the DMF/SSDI.
- Genealogists advocated certification of forensic genealogists as well as reasonable fees and requirements.
Certification Process
Interim Rule

- Subject to large fines if information is disclosed to anyone not certified
  - So how do genealogists disclose what they find to clients or the courts?
- Tough security and audit requirements
- $200 fee plus $995 annually for individual access to the DMF data, and $14,500 annually for multiple users
  - Set up to verify information you already have rather than a “search engine.”
  - Does not include middle name or initial, state where SSN issued, nor city and state of last residence.
RPAC Position on DMF

- Building alliances with others who testified at March Hearing at Commerce—medical, historical, and social researchers.

- Proposing an Amendment to Section 203 of the 2013 Bipartisan Budget Act
  - Provide non-sensitive SSDI information without the Social Security Number during the three year embargo period
  - Require Social Security Administration to provide all the previous data elements
Teven Laxer, Member
Public Records Access
And Monitoring Committee
(PRAMC)
We Must Organize & Take Action

- Legislators respond to visits, letters, emails and calls.
- **Each society should identify a legislative liaison.**
- Identify state and federal legislators who represent your society’s members.
- Put these legislators on your society’s mailing list.
- Stop by their offices and get to know them and their staff.
- **Learn how bills become laws in your state/country.**
- Identify organizations in your area who also have an interest in open access to vital and historical records.
Why Lobbying Matters

97 percent of Congressional staff say that in-person issue visits from constituents influence policymakers, with 46 percent reporting it has a lot of influence. (Source: 2011 poll by Congressional Management Foundation)
Lobbying Tips

• Identify yourself and your organization.
• Explain the reason for your visit/call.
• If you are lobbying for/against a bill, be sure you know the bill number and author.
• Be prepared and focused on the issue(s).
• Leave a packet of material and your contact information.
• Follow-up with a thank you letter.
Each Country and State Is Different

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

How a bill becomes a law
How to find your State’s or Country’s “How A Bill Becomes A Law”? Google it!

www.google.com
How a Bill Becomes a Law

1. The Bill Is Prepared
2. Introduced in House
3. Reviewed by Rules Committee
4. Sent for First Printing
5. House Standing Committee
6. Public Hearing
7. Debate in House
8. Sent to Senate
9. Senate Standing Committee
10. Public Hearing
11. Debate in Senate
12. Final Printing
13. Sent to Governor for Signature
14. The Bill IS NOW A LAW

Someone says, “There oughta be a law,” and so a bill is prepared (1), introduced to the legislature (2), reviewed (3) and printed (4). Then it goes to committee (5), perhaps has a public hearing (6), is debated in the House (7), is passed and forwarded to Senate (8). The procedure is repeated (9, 10, 11) and the bill is engrossed (12) and sent to the governor (13) to become part of the state’s laws (14). The whole procedure takes weeks.
How to read changes:

Underlined/italicized words are new

Crossed-out words are those being removed

New language in italics

Removed language crossed-out

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 103525) of Part 1 of Division 102 of the Health and Safety Code. (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...
Every Step in the Legislative Process is an Opportunity to Shape the Outcome

• Write a letter (or email) expressing support, opposition, or support, if amended.
• You can also write a letter that just raises questions and/or concerns without taking a position.
• Write to the author of the bill, as well as the relevant committee members.
• Follow up with phone calls or visits, as necessary.
• Inform your legislators that many genealogists are professional as well as hobbyists.
• Keep appraised of the progress of the bill.
• California and many other states offer free subscriptions to specific bills. [http://leginfo.legislature.ca.gov/faces/home.xhtml](http://leginfo.legislature.ca.gov/faces/home.xhtml)
• Work in coalition with other interested organizations and people.
Be Proactive – Build a Coalition

There are many organizations which support public access to information

- Local genealogy societies
- Archivists, historians and librarians
- Local/State media
- Good government organizations such as Common Cause and the League of Women Voters
- Trade unions
- Organize Now!
Proposition 42 was approved by the voters of California in June 2014. It established a constitutional requirement ensuring that access to public meetings and public information is a core responsibility of local government.

In 2013, those rights were in jeopardy when a last-minute amendment was proposed to the state budget that would have made compliance with the public records act voluntary.

A coalition of newspapers, public interest groups, genealogists and public employee unions were successful in defeating that effort and in putting the issue before the voters.
Genealogy Coalition helps ensure access to voter records

- Prior to 1994, voter records in California were publicly available. Legislation enacted in 1994 embargoed new voter records in perpetuity.
- IAJGS worked with RPAC, the California State Genealogical Alliance, Ancestry and Family Search on SB 112, authored by Senator Bill Monning of Monterey, CA.
- SB 112 provides public access to voter registration card information 100 years after the creation of the record and to “Great Registers” after the entire contents have been recorded for at least 100 years.
- Great Registers often contain information such as date of birth, country of origin, occupation, signature, and physical characteristics.
- SB 112 was enacted in 2013. There are limited conditions under which voter information can be provided within 100 years of its creation.
How You Can Help

➢ Register for the Records Access Alert
records-access-alerts.iajgs.org

➢ Write letters/emails to your Representatives.

➢ Ask your state and local genealogical societies to spread the word.

➢ Be alert to issues, proposed legislation, and local news that could affect access to public information. Keep in contact with PRAMC.