Will you be able to get records in the future?

Jan Meisels Allen
Teven Laxer
Genealogists without records can’t do genealogy!

We are facing crises worldwide on access to vital records due to misunderstandings by those in power about Identity Theft and Fraud and due to Budget Cuts.
IAJGS Public Records Access Monitoring Committee

- Jan Meisels Allen, Chair, PRAMC, JGS of Conejo Valley and Ventura County
- Teven Laxer, JGS Sacramento
- David Ockene, JGS New York
- Kenneth R. Ryesky, Esq., IGRA
- Paul Silverstone, JGS New York
- Joel Spector, JGS Greater Philadelphia
- Amy Wachs, JGS Cleveland
- Catherine Youngren, Jewish Genealogical Institute of Greater British Columbia
- Marlis Humphrey, ex officio, President IAJGS
Issues PRAMC Monitored This Year-1

- Argentina—Change in Civil Code on Naming.
- Australia—budget cuts affecting Library of Australia and TROVE.
- Australia—Census 9 August 2016.
- Austria—Sources for Genealogical Research at the Austrian War Archives in Vienna available as E-book Online.
- Canada—Reestablishment of long-form census.
- Canada—The Library and Archives Canada Launch Ukrainian Immigrant Database.
- France—Notarial Records Added to the Department Archives of Vendée and Paris Records to the National Archives.
- France Opens Police and Legal Archives From Vichy Regime—Free Access.
- International Committee of the Red Cross Archives WW I Prisoners.
- International Committee of the Red Cross Suspends Research at the Second World War Archives.
- Israel—Israel State Archives Digitization Project.
- Italy—Judaica Europeana and Venice State Archives Digitization Project on Venice's Jewish Ghetto 500 Year Anniversary.
- New Zealand—National Library digitized content.
Issues PRAMC Monitored This Year–2

- Norway—National Archives Completes Digitization of 1891 Census
- Scotland—Releases New Birth, Marriage and Death Records
- Spain—Supreme Court Nullifies Spanish Data Protection Agency Regarding Google Spain D.L. and Right to be Forgotten
- South Africa—New Website for Kaplan Centre Replacing Poor Jews’ Temporary Shelter Database
- UK—British Red Cross World War I Volunteers Digitized
- UK—Forces War Records Releases Online Database of British Prisoners of War Held by Japanese During WW II
- UK—National Archives Places World War I Hospital Diaries Online
- UK—National Archives and Findmypast Make the 1939 Register Available Online
- UK—Report on 2021 National Census Data Elements
- UK—Whether Mother’s Name on Marriage Records—Parliamentary Discussion
Issues PRAMC Monitored This Year–3

• US–2020 US Census will have Fundamental Changes
• US–2020 Census Considering Changes to Its Race and Ethnicity Questions
• US–Department of Veterans Affairs Announces Future Site of VA National Archives
• US–National Archives launches new pilot project: History Hub
• US–National Archives Rule on Revising Records Management
• US–National Archives Proposed regulation on exemptions from threats to NA, personnel, nat’l security
• US–USCIS–Updates Genealogy Request Forms
• US–Library of Congress change from Thomas.gov to Congress.gov
• US–Harvard Law School Library Digitizes 40 Million Pages Free to Access
• US–MidWest Genealogy Center Launches Free Indexes of National Railroad Pension Records
• US–AZ Arizona State Library and Family Search Partner
• US–DE New Restrictions on Release of Cause of Death Information
• US–GA The Georgia Archives Transfer to University System a Success
• US–HI Opened adoption records
• US–IA Iowa State Historical Society at Risk Due to Budgetary, Professional Staff and Plant Reductions
Issues PRAMC Monitored This Year-4

- US-MA Public Records Legislation Revising Public Records Law
- US-ME Expands Access to Death Certificates
- US-NC Enacts Legislation with a Confidentiality Sunset of 100 Years
- US-NV New Requirements for Birth and Death Records
- US-NYC Brooklyn Public Library Digitizes 107 Years of City Directories and Telephone Books
- US-NYC New York Public Library Enhances Public Domain Collections For Sharing and Reuse
- US-NYC NYC Department of Health Requires Removal of birth and death indices from The New York Public Library
- US-OR Vital Records charges increased in Oregon January 1
- US-VT Establishment of Vital Records Committee by Legislature
- US-WVA West Virginia Blocks Online Viewing Death Records Less Than 50 Years Old with Social Security Numbers
IAJGS Records Access Alert

• Announcement list for all public records access issues
• Public Records Access Alerts are no longer on IAJGS Leadership Forum
• Often, there are different messages than what are posted on JewishGen. Alerts include advocacy, when appropriate. JewishGen policy prohibits advocacy
• Anyone may subscribe – it’s recommended that each society have at least one subscriber
• 240 alerts since last year’s conference
• PRAMC Glossary and FAQs now on IAJGS website: http://www.iajgs.org/blog/legislation/
• Records Access Alert cited in Mitchell Hamline Law Review article on Death Master File
• Promoted by Legal Genealogist
• To subscribe go to: records-access-alerts.iajgs.org and follow instructions

PRAMC@IAJGS.org
# European Union Members

## 28 Countries

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European Union - 2

- 28 Countries until BREXIT takes place 2 years after Article 50 is ratified
- 500 million residents
- Right to be forgotten/erased
- 2014 Court of Justice of the European Union (CJEU) case from Spain against Google
- Google has 90% of Search Engine Market in Europe—varies by country
- Since May 29, 2014 Google received 506,864 requests to delink from 1,615,640 URLs of which they did not remove 57 percent of the URLs requested.
The Right to be Forgotten
European Union - 3

Fundamental difference between the European Union and the United States

**European Union**

Privacy takes precedence over freedom of speech and press.

**United States**

US Constitutional rights of freedom of speech and press priority over individual’s privacy.
French High Court

May 2016

*French High Court Decision:*
The right to be forgotten does not supersede the freedom of the press.

Belgium High Court

April 2016

*Belgium High Court Decision:*
Freedom of expression is not absolute and may be subject to other rights, such as the right to privacy, including the right to be forgotten. The court extended the right to be forgotten to online newspaper archives, applicable only in
The protection of persons in relation to the processing of their personal data is a fundamental right laid down in the Charter of Fundamental Rights of the EU (Article 8) and in the Treaty on the Functioning of the European Union (Article 16).
General Data Privacy Regulation (GDPR) adopted May 2016

- 3,999 amendments.
- Effective May 2018.
- Single system across all EU countries.
- Codifies right to be forgotten.
- Individuals must give their “clear and affirmative consent” before companies, or governments, can process their private data.
• General Data Privacy Regulations do not apply to deceased individuals.
• Holocaust and war crimes records to be made available.
• Government and private repositories have a legal obligation to acquire, preserve, appraise, arrange, describe, communicate, promote, disseminate and provide access to records of enduring value for general public interest.
• 15-year “Safe Harbor” Data Transfer Agreement between the EU and US invalidated by the CJEU due to litigation brought by Max Schrems. Affects 4,500 businesses.
• New “Privacy Shield” Agreement between EU and US approved by EU Commission and signed in July 2016.
• Litigation is expected by Schrems and Article 29 Working Group because they think the Agreement is not strong enough regarding US companies sharing data with intelligence agencies.
• US 2nd Circuit Federal Appeals Court ruled that the government can’t force Microsoft to turn over emails or other personal data stored on computers overseas.
• If the appeals court’s legal rationale stands, it could also influence companies’ and their customers’ decisions about how and where to store data.
Facebook Issues

- In Feb 2016, a French Court found that a case brought against Facebook can be heard in France, rather than in California.
- Litigation by Max Schrems (Austria) taken to Ireland—then Court of Justice EU results in invalidation of Safe Harbor trans-Atlantic 15-year agreement.
- Belgium Court of Appeals said the Belgian courts do not have jurisdiction over Facebook’s collection and processing of data from users in Belgium as Facebook is an American company that bases its European operations in Ireland.

Google Issues

- Another French Court found EU ruling about all links be removed in all of Google’s worldwide search domains. (Extraterritoriality)
- CNIL decreed French Court decision is global.
- Google’s response: according to user’s IP address—geo-blocking technology.
- Google received 506,864 requests to delink in first 2-years of RTBF.
- Spain Supreme Court opined the parent company located in the US may do something as the data controller, the parent, Google, Inc., is subject to the data handling regulations even if it is located outside the EU.
Global Stretch of RTBF

- The Right to be Forgotten has been adopted in the following countries:
  - Argentina, Australia, Brazil, China, Hong Kong, India, Japan, Mexico, Peru, Russia, South Korea and Turkey.
- Currently before the Canadian Supreme Court.
- Consumer Watchdog petitioned the U.S. Federal Trade Commission.
- First Appellate District Court of California ordered Yelp to remove reviews from a Yelp user that the court found to be defamatory.
- New Hampshire Supreme Ct. considering Right to Know Law vs. Right to Privacy.
- Google’s MyActivity permits user to delete their search history.

The "right to be forgotten"
The “right to be erased”
Final Rule on Access to Death Master File

• U.S. Department of Commerce took 17 months to promulgate final rule on access to DMF.
• Despite over 90 letters and statements final rules have to comply with federal law as passed.
• Approximately 10 million death records lost since November 2011 when protected state death records removed from SSA and data from those states is no longer being added.
• Exorbitant costs for certification and access to database.
• Security measures geared for big business not genealogists who are sole practitioners.
What are NAPHSIS, EVVE and VITAL Chek?

• National Association for Public Health Statistics and Information Systems (NAPHSIS) is the national nonprofit organization representing the state vital records and public health statistics offices in the United States.

• Electronic Verification of Vital Events (EVVE) operated by NAPHSIS, provides customers with the ability to quickly, reliably, and securely verify and certify birth and death information.

• LexisNexis® VitalChek Network Inc. is an online remote ordering service for documents such as birth and death certificates, marriage records and divorce records.
NAPHSIS – Vital Chek

EVVE Fact of Death (FOD)

• 54 of 57 Vital records jurisdictions online.
• Business categories determined by NAPHSIS, not legislation.
• Does not have restrictions imposed by Bi-Partisan Budget Act. Certification easier and less expensive than Dept. of Commerce.
• FOD reportable fact even with embargo dates for certificates with name, date, and state location can help genealogists find cemetery record and obituary to confirm death.
• Motivated by revenue.
• Prohibition on re-selling or aggregation of data (prevents Ancestry, FamilySearch, etc. from delivering vital records information to genealogists.)
• RPAC is discussing strategies for genealogists to gain access to EVVE.
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.

The Committee Members

- Jan Melisels Allen, Chairperson, JGSConejo Valley and Ventura County (JGSCV), California, USA
- Teven Laver, JGS Sacramento, California, USA
- David Ockene, JGS Inc., New York, USA
- Kenneth H. Ryesky, Esq., Israel Genealogy Research Association (IGRA), Israel
- Paul Silverstone, JGS Inc., New York, USA
- Joel L. Spector, JGS of Greater Philadelphia (JGSGP), Pennsylvania, USA
- Amy Wachs, JGS Cleveland, Ohio, USA
- Catherine Younagren, Jewish Genealogical Institute of British Columbia, Canada
- Marlis Humphrey, President of IAJGS, Florida, USA

Contact the PRAMC by email at pramc@iajgs.org.
Legislative Websites – US & Canada

http://www.iajgs.org/blog/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.

**Canadian Government Websites**
- [http://canada.gc.ca](http://canada.gc.ca) - Canadian government website

### Canadian Provincial Websites

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<th>Province</th>
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<tr>
<td>Alberta</td>
<td><a href="http://www.gov.ab.ca">http://www.gov.ab.ca</a></td>
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<td>British Columbia</td>
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<tr>
<td>Manitoba</td>
<td><a href="http://www.gov.mb.ca">http://www.gov.mb.ca</a></td>
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<tr>
<td>Newfoundland &amp; Labrador</td>
<td><a href="http://www.gov.nl.ca">http://www.gov.nl.ca</a></td>
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<tr>
<td>Northwest Territories</td>
<td><a href="http://www.gov.nt.ca">http://www.gov.nt.ca</a></td>
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Records Preservation and Access Committee (RPAC)

- National committee whose sponsoring members are FGS, NGS and IAJGS, with participation by ASG, APG, BCG and ICAP-GEN, Ancestry and ProQuest.
- Supports open access to vital records.
- Supports strong preservation policies and practices.
- Advises community about federal, state, and sometimes local legislation and regulations.
- Coordinates genealogical community response
- RPAC website: http://www.FGS.org/rpac
- RPAC blog: http://www.recordsadvocate.org/
- Questions contact RPAC access@fgs.org
Sign the Declaration of Rights

- [http://iajgs.org/ISigned.html](http://iajgs.org/ISigned.html)
- 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.
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
- Revisions were drafted in 2011, but have been on hold ever since
  - (Birth records 125 years, Marriage/Divorce – 100 years, Death – 75 years)
- Being pushed by NAPHSIS
- Genealogical community did not receive an invitation to testify or submit statements
- Genealogists are viewed as hobbyists rather than professionals
• United Kingdom released 1939 Register – personal details of 41 million people living in England and Wales in September 1939

• WW 1 Red Cross Volunteer Records Digitized

• Parliament discussion on whether to add mothers’ names to marriage certificates
• Canada conducts a census every 5 years.
• A mandatory long-form was used for the census until the government made it voluntary in June 2010.
• In May 2011, a voluntary National Household Survey was conducted.
• In December 2015, the first bill signed into law by newly-elected Prime Minister Trudeau was the reinstatement of the mandatory long-form census.
• The long-form census started again in May 2016.
• Australia has conducted a census every 5 years since 1911.
• The most recent census was conducted in 2011, and the next one was held on 9 August 2016. Personal information was being kept for only 18 months. As of 2016, it will be kept for four years.
• In 2006, a question was added which asks each Australian to affirmatively answer whether their personal information should be retained and made available after 99 years.
• It was recently disclosed that the Bureau of Statistics was sharing personal information with other agencies.
• As a result, there have been many calls to boycott the census or not provide their personal information for statistical purposes.
• Still waiting for regs after 5 years
• Embargo dates on indices should not be the same as vital records
• Prohibits genealogists from sharing information
• Abstracts may miss information contained in original documents
• Medical information on records needed for extended family health history
• Researcher card should have lower fee and should be valid
OKLAHOMA

- Records access law passed in 2011— but no one noticed — until 2013 — that ONLY the deceased could obtain a copy of his/her death certificate.
- Attempts made to change this provision failed in 2014 and 2015.
- In 2014, the law changed to embargo birth records for 125 years and death records for 75 years.
- In 2016, a new law was enacted which provides public access to death records after 50 years. The immediate family, legal counsel and funeral directors have immediate access to death records.
• The Kansas Supreme Court adopted changes to Rules 106 and 108, which restrict access to marriage records.

• In 2015, IAJGS opposed the redaction of information in “limited” marriage records and the destruction of the confidential cover sheet after one year. Nonetheless, the Court adopted the rules without any changes.
• In May 2016, the Vital Records Study Committee was created to study the administration of and the issuance of vital records.

• A report is due back to the legislature by November 2016.
The New York City Department of Health required the New York Public Library to remove post-1909 NYC birth indexes and post-1948 death indexes from the library. Reasons not stated.
NYC marriage indices 1908-1929 online.

NYC City Clerk’s Office agreed to release to Reclaim the Records marriage indexes for 1930-1995, with 1930-1972 to be provided on microfilms and 1950-1995 to be provided in searchable database format. Final papers to be signed this week.

NYC birth certificates 1910-1915 – planning stage

NY State statewide death index, 1880-1956-pending.

New Jersey birth index (1901-1903), New Jersey marriages (Grooms Index) 1901-1903; New Jersey marriages (Brides Index) 1901-1914; and the New Jersey death index 1901-1903 coming soon.

Success using Freedom of Information laws in various jurisdictions
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
A bill may be introduced in either the Senate or House of Representatives.

A committee studies the bill and often holds public hearings on it.

A committee report is read in open session of the House or Senate, and the bill is then referred to the Rules Committee.

The Rules Committee can either place the bill on the second reading of the calendar for debate before the entire body, or take no action.

At the second reading a bill is subject to debate and amendment before being placed on the third reading calendar for final passage.

The Governor signs the bill into law or may veto all or part of it. If the Governor fails to act on the bill, it may become law without a signature.

After passing one house, the bill goes through the same procedure in the other house.

If amendments are made in one house, the other house must concur.

When the bill is accepted in both houses, it is signed by the respective leaders and sent to the Governor.
Every Step in the Legislative Process is an Opportunity to Shape the Outcome

- Washington and many other states offer free subscriptions to specific bills.
- Keep appraised of the progress of bills affecting public access to vital records.
- 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.
How to Create and Send a Comment on a Bill

- Click here to learn how to access the bill comments form from various locations on the Legislature’s website.
- If you wish to communicate directly with a legislator, it’s better to send an email to the member instead of entering comments on the website.

The following steps describe how to complete the bill comment form:

1. Type your street address, including street, city, and zip in the Verify your legislative district section, then click Verify District. The address entered is in District 44.

We ask for your address because it allows the members to see how the constituents in their district feel about comments from a searchable database.

2. Enter your contact information, including first and last name, email address, and phone number in the next section.

We’ve found that re-entering the email address eliminates most incorrect email entries.

3. Click the Position button that reflects your opinion on the bill, then enter your bill comment (text only).
**Bill Information**

Historical bill information from 1991 to 2010 can be accessed from Detailed Legislative Reports.

- **Search by Bill Number**
- **Search the full text of a bill**

### 2015-16

- **Standing Committee Reports**
  Retrieve daily lists (during session) of bills reported out of standing committees.

- **Bill/RCW/Session Law Cross Reference**
  Retrieve tables that cross reference bills with RCW sections and Session Law chapters.

- **Bill Status Report (formerly Daily Status)**
  Retrieve a list of all bills and their current status.

- **Detailed Legislative Reports**
  Find bills and related information by sponsor, committee, RCW citation, roll call, and step in the legislative process.

- **Legislative Digests**
  Retrieve summaries of the bills introduced and amended on the selected day.

### 2013-14

- **Prefiled Bills**
  Retrieve lists of the bills prefled in the House and Senate. Available in December.

- **Bill Tracking**
  Create personalized lists of bills you wish to track through the 2015-16 legislative process.

- **Bills By Topic**
  Find bills by subject as organized in the Topical Index prepared by the Code Revisers Office.

- **Senate Floor Activity Report**
  Retrieve the Senate Calendar and link to bill text, amendments, bill histories, and roll call votes.

- **House Floor Activity Report**
  Retrieve the House Calendar and link to bill text, amendments, bill histories, and roll call votes.

- **Senate Introductions (latest)**
  Lists the bills to be introduced in the Senate today.

- **House Introductions (latest)**
  Lists the bills to be introduced in the House today.

- **House Floor Calendar**

- **Initiatives and Referenda**
  Link to the text of initiatives and referenda.

- **How a Bill Becomes a Law**
  Learn how a bill moves through the legislative process.
How to read changes in legislation/regulations:

**Underlined/italicized words are new**

**Crossed-out words are those being removed**

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New language in italics

Removed language crossed-out
97 percent of Congressional staff say that in-person issues 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.
We Must Organize & Take Action

- 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.
- Genealogical organization presidents and APG chapter presidents need to meet with health services committee chairs now, so if legislation or regulations are proposed in your state, the embargo period will remain “unchanged.”
- Identify organizations in your area who also have an interest in open access to vital and historical records.
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!
PRAMC Annual Report

- Posted to IAJGS Website
How You Can Help

• Register for the Records Access Alert
  records-access-alerts.iajgs.org
• Be alert to issues, proposed legislation, and local news that could affect access to public information.
• Write letters/emails to your Representatives.
• Ask your state and local genealogical societies to spread the word.
• Keep in contact with PRAMC – pramc@iajgs.org