



To: IAJGS Members-2012 Annual Session

From: Jan Meisels Allen, IAJGS Vice President
Chairperson, IAJGS Public Records Access Monitoring Committee

Re: Public Records Access Monitoring Committee

Date: July 10, 2012

Committee Members

Jan Meisels Allen, Chairperson, Agoura Hills, California
Teven Laxer, Sacramento, California
David Ockene, Mount Vernon, NY
Paul Silverstone, New York, New York
Joel Spector, Cherry Hill, New Jersey
Catherine Youngren, Coquitlam, British Columbia, Canada
Michael Goldstein, *ex officio* Jerusalem, Israel

Earlier this year, PRAMC lost a very valued member of the committee, Stephanie Weiner who served on the IAJGS PRAMC since 2006. Her research and wordsmithing skills made the IAJGS statements on pending legislation for the past 6 years excellent representations on our behalf.

We are most fortunate to have David Ockene join the PRAMC. David is a retired principal librarian at the New York Public Library Mid-Manhattan location, where he was second in charge of the department and worked there until his retirement in 2004—after 40 years with the NY Public Library. His experience of being responsible for the law collection will help immensely with researching laws and regulations and his librarian skills will aid in wordsmithing and writing of the PRAMC statements. David is a member of JGS NY.

Access to vital records worldwide is a growing concern for genealogists and the IAJGS had a busy year in addressing and monitoring these areas of limiting access. Without access to vital records and census documents, genealogists are unable to research their family information. Therefore, records access is pivotal to maintaining our passion for genealogy- whether as a business or hobby.

In some instances, PRAMC monitors rather than takes action, to be aware if action will become necessary. Informational postings on the IAJGS Leadership Forum, JewishGen Discussion Group and the JewishGen Blog are posted when genealogical collections of interest were first released by NARA, subscription sites and others as well as items of record interest not reported below. Since last year's annual report, PRAMC has reported 154 times on the IAJGS Leadership Forum and nearly that many times on the other two forums on issues of genealogical interest regarding access to records.

The PRAMC continues to review matters affecting access to vital records and census as a result of government action, worldwide, and cautiously select few issues that IAJGS may take a proactive stance.

IAJGS PRAMC continues to write Legislative Alerts posted to the IAJGS website regarding specific pieces of legislation, how to access them, and any suggested actions. When a legislative alert is updated, notification is made via postings on the IAJGS Leadership Forum, JewishGen Discussion Group and JewishGen Blog.

FGS/IAJGS/NGS Records Preservation and Access Committee (RPAC)

The IAJGS is one of the managing members of the RPAC. The other managing members are the Federation of Genealogical Societies (FGS) and the National Genealogical Society (NGS). Other genealogical groups are represented on the committee in a "non-managing capacity": Ancestry.com, American Society of Genealogists, APG, Bureau of Certification of Genealogists (BCG). The committee is chaired by David Rencher, Chief Genealogical Officer, FamilySearch, and FGS Board Secretary .

About the RPAC: In North America, a joint committee of the FGS, IAJGS and the NGS monitors and determines action to be taken by the joint organizations on restrictions to access of public records. RPAC meets twice year, face-to-face, holds monthly conference calls and shares information via e-mail. Jan Allen represents the IAJGS on the RPAC and is the managing IAJGS member. By participating with this committee, IAJGS is able to find out when legislative or regulatory actions are occurring better than if we were operating solo. This also shows our presence being accepted as a major player by others in the genealogical community.

IAJGS being a part of the RPAC enables IAJGS to "tap" into the resources of other organizations, thereby maximizing our effectiveness while preserving our limited resources.

In 2012, at both the FGS and NGS annual conferences it was decided that RPAC hold a session to aid their state liaisons in what they should be alert for in their states regarding legislative issues affecting access to records. The session included a "tool kit" of how to learn how a bill becomes a law in their state, who to contact, how to build coalitions, and examples of successful activities that recently occurred: Pennsylvania and Virginia were the examples given. Jan Meisels Allen developed the legislative tool kit portion of the RPAC program and she gave the presentation remotely for the NGS when they met in Cincinnati in May and will also present remotely for the FGS when they do so in Birmingham, AL in September.

Due to the importance, the genealogical community has placed on records access, Jan Meisels Allen was invited to be a guest on Thomas MacEntee's Geneabloggers radio/ Internet program in January 2012. Jan represented both IAJGS and RPAC. A copy of the audio program is available under "News" on the IAJGS website homepage (www.iajgs.org).

Why We Are Seeing an Explosion of Legislation and Government Action Addressing Records and Archives Access

With the explosion of identity theft not only in the United States, but worldwide, we are seeing legislators take the initiative to limit access to vital records believing this will prevent identity theft. **Vital records access is not the cause of identity theft.**

Hacking into databases—of banks, data collectors, government agencies etc., such as have been reported in the press, is the main cause. Due to tax return identity theft in the United States, genealogical websites have been blamed for permitting access to the Social Security Death Index (SSDI) that includes Social Security numbers as a cause—see below. As genealogists, we have to educate our legislators as to the real cause of identity theft and to insist they keep access to records open.

Unfortunately, severe problems of budgeting by local and national governments have led to increases in the cost of researching and obtaining government records, and this will probably continue to occur. Due to the worldwide fiscal situation governments are reducing funding for national archives and in some instances merge their archives with other government agencies. We started seeing this in New Zealand in 2010 and since then have seen it in Canada with the Library and Archives Canada—see below US (National Historical Publications and Records Commission) and now Ireland is proposing to merge their National Archives with their National Library.

Your Role in Preserving Access to Vital Records and Census Information

Last year, we called for each society to have a key person involved with monitoring records access in their area and report to the PRAMC. Only two societies advised us they had made such board appointments—but have not heard from the other members or those who are assigned to monitor. This is an activity all of us must be involved with—without access to records, we cannot properly research our genealogy!

Achieving access to vital records and census information takes **everyone's** effort. Please get involved by contacting your state or national representatives when there is an access issue that affects you. "All politics is local" (per former House Speaker Tip O'Neill), and while IAJGS may submit written statements, your comments to your elected official carry more weight. The basis of genealogical research is vital records. It is not just family history, but the tracing of medical family history, and thus the need for access to records. Do your part to keep access alive.

Two Major Issues Confronting Genealogists

There were two main issues that PRAMC devoted many hours to, as well as the usual monitoring and letter writing on specific issues.

Canada : Library and Archives Canada (LAC)

As with many other countries and states struggling with diminished funding, the Canadian government reduced the budget of LAC and federal libraries. What has occurred thus far: 430 people have been given termination notices at the LAC representing over 200 positions over the next three years, approximately 20 percent of the workforce. In addition to staff, cuts have been made in acquisitions and there are plans to terminate the inter-library loan program in early 2013. Statements on the LAC website talk about modernization innovation initiatives which focus on the core activities of human resources, information management, appraisal, resource discovery, holdings management, digital preservation, and stakeholder engagement.

IAJGS has been in touch with the Ontario Genealogical Society, the largest of Canada's genealogy societies, as well as the six IAJGS member societies. Several of the IAJGS Canadian members and their individual members have written to members of the Canadian government expressing their concern. IAJGS President Goldstein, being a Canadian wrote on behalf of IAJGS, a letter of concern to the Honorable James Moore, Minister, Canadian Heritage and Official Languages. In the letter, IAJGS suggested a minor charge be instituted for Inter-library loans rather than dissolving the program. In addition, the National Archival Development Program (NADP) budget cuts were addressed as NADP assistance has allowed Jewish archives and museums to organize their collections, making them available and comprehensible to not only the Jewish community, but, in many cases, the public at large. One of the cited examples was the contribution of digitizing the Canadian naturalizations provided by JGS of Ottawa (funding) and JGS of Montreal (digitization) which are made available on the LAC website.

This is an on-going issue that PRAMC continues to address.

United States: Social Security Death Index (SSDI)

Starting last Fall, and continuing this Spring, Congress held hearings on identity theft and income tax fraud—the precipitating factors: increased income tax fraud where people used the SSDI and filed fraudulent tax refunds of deceased children before their parents filed, as well as other tax fraud emanating from stolen Social Security numbers obtained from other sources. As a result of public access to the Social Security Death Index—the commercial version of the Government's Death Master File that is sold to businesses, including genealogical websites where they place the SSDI's deceased's information. The genealogical community was blamed for the public access. The genealogical community was also denied the opportunity to testify at the various committee

hearings held by both the House of Representatives and Senate. Four bills were introduced—each limiting access to the SSDI to the public as well as genealogists: HR 3475 (Johnson, R-TX) , S 1534 Nelson (D-FL), HR 3482 Castor (D-FL) and HR 3215 Castor (D-FL) and Nugent (R-FL).

RPAC and IAJGS are taking this potential loss of access to the SSDI **very** seriously. RPAC began a genealogical community campaign and developed a “Call to Action” kit, which can be found on the RPAC website: <http://www.fgs.org/rpac/sddi-call-to-action-kit/>. This includes another video with Jan Meisels Allen being interviewed by Thomas MacEntee shortly after the first of the Congressional Ways and Means Subcommittee on Social Security where the genealogical community was excoriated due to our access to the SSDI, citing that was the reason for identity theft and tax fraud. RPAC also initiated an on-line petition “We the People” on the White House website. While we were hopeful in trying to obtain over 25,000 signatures over 30 days—only 5,000 people signed—there were many technical problems with the website which caused people to stop trying to sign up. The most important aspect of the campaign is to get genealogists to contact their own US Congresspersons and Senators and examples of letters submitted by the various organizations are posted to the website. This is still a viable activity that societies and individual members may wish to pursue.

RPAC submitted a proposal to the Senate Finance Committee Subcommittee where we would support the two year delay in access as proposed in S 1534-and if necessary the third year with the caveat that certain genealogists are to be eligible for certification for immediate access. These genealogists include: (1) Forensic genealogists who work, for example with the Department of Defense in identifying next of kin of deceased military personnel from prior conflicts and working with local, county and state coroners to help find the next of kin of deceased in order for the deceased to have a proper burial. (2) Heir researchers who are working to prove or disprove that someone is eligible as part of a deceased’s estate or Native American tribal funds. Both forensic genealogists and heir researchers would be working under a contract with a government agency or law firm. (3) Those researching **individual** genetically inherited diseases to help current and future generations obtain necessary medical testing to determine if they currently need prophylactic treatments.

While there have been several hearings, thus far no action has been taken as Congress is waiting for the Administration to propose their plan—which we understand may include a much longer waiting period to access SSDI than the proposed 2-3 years in SB 1534.

As a result of Congressional concern and letters from some Congresspersons to genealogical organizations with websites that posted the SSDI, actions have been taken by various genealogical organizations. RootsWeb (hosted by Ancestry.com) SSDI site was closed down; Ancestry.com put the SSDI information behind the subscription “wall” and while continuing to add new deaths removed the Social Security number within 10 years of death. Genealogy Bank while it also continues to add deaths also removed Social Security numbers from records less than 10 years from date of death. FamilySearch continues to update the SSDI but removed the Social Security numbers for three years from date of death, and other genealogy organizations have not currently updated the information.

IAJGS continues to be in contact with Congressional staff regarding this issue and will continue to submit statements as appropriate to voice our concern that at least certain genealogists need immediate access to this data while a limited period after death could be agreed upon for other genealogists versus long-term or no access as advocated by at least HR3475.

Achievements, Activities, Monitoring and Reporting Issues

Australia

Convict Records Available Free Online

Reported that British convict transportation registers were compiled by the State Library of Queensland. Tasmanian Archives also has free convict records.

Canada

1921 Census

Canada has a 92-year privacy rule for release of its census. The census is in the possession of Statistics Canada. After the 92 years, the records are transferred to the Library and Archives of Canada, which will release the census for public use. The June 1 1921 census will be transferred June 1, 2013.

United Kingdom

Loss of Archival Documents

The National Archives of United Kingdom has reported hundreds of historical papers lost-some since the 1990's.

British Newspaper Archive Opens Where You Can Search Historical Newspapers

The British Library and Brightsolid are working in partnership to digitize British historical newspapers. The website offers access to up to 4 million fully searchable pages, featuring more than 200 newspaper titles from every part of the UK and Ireland.

Holocaust Archive (ITS) to Open In Great Britain

The Weiner Library in Britain, the world's oldest Holocaust memorial institution will provide free access to digital records from the holocaust containing 50 million digital records covering 17.5 million people from the International Tracing Service (ITS)

National Archives Adds WWI Nursing Records and More

The National Archives of the United Kingdom has added over 15,000 WWI nursing records from 1902 to 1922. Information includes date and place of birth, training prior to and during the war, references to their suitability as military nurses, hospitals, field ambulances, casualty clearing stations and other medical units they served in confidential reports containing their superiors' assessment of their performance.

Britain From Above - Aerial Photographs from 1919-1939

Photographs are an important part of genealogical research whether they are of people or locations. A new website--Britain From Above—was launched. The thousands of photographs cover the time span of 1919-1953. The intent is to preserve 95,000 films from the Aerofilms Collection. The Aerofilms Collection dates from 1919-2006 and has over 1.2 million negatives and thousands of photograph albums--with a significant number of air photographs of Britain pre 1939.

Ireland

A current proposal in Ireland is to merge the National Archives of Ireland with the National Library of Ireland. Such a merger would negatively affect accountability for public records.

International Tracing Service

Professor Rebecca Boehling was appointed unanimously the next ITS Director in Bad Arolsen. She will assume this new role January 2013. The current ITS director has to be replaced since the International Committee of the Red Cross (ICRC) will withdraw from the management of the institution at the end of 2012. Starting January 2013, the ITS will be run directly by the International Commission of the U.S., Israel and nine European nations, with advisory support from the German Federal Archives, but funded completely by the German government.

Romania

We recently learned that due to changes in government—a new prime minister Victor Ponta, dismissed Romanian National Archivist Dobrinu. Dr. Dobrinu was appointed by the previous leader. Dr. Dobrinu was known for opening access to the state records. Thus far, no replacement has been announced.

United States

Elimination of the American Community Survey

2012 HR 5326 On May 9, 2012, the House of Representatives voted an amendment by Representative Daniel Webster to HR 5326 prohibiting the use of funds with respect to the American Community Survey (ACS), which led the charge to dismantle the ACS entirely on the grounds that it is unconstitutional. The American Community Survey is an ongoing statistical survey by the U.S. Census Bureau, sent to approximately 250,000 addresses monthly (or 3 million per year). It regularly gathers information previously contained only in the long form of the decennial census. On May 14, 2012, it was placed on the Senate Legislative Calendar and no further action has yet been taken.

National Center for Health Statistics (NCHS)

We have learned that NCHS which is under the US Center for Disease Control created a working group in 2009 and their final meeting was held in 2011 to revise the 1992 Model State Vital Statistics Act and Regulations. The genealogical community did not receive an invitation to participate. Some of the issues we have been told is to extend the time frame for states to make birth, marriage and death records available to the public. Some states are looking at the proposed revision and introducing legislation or regulations (depending on the state) to adopt these new proposed access years before the finalization of the model state bill. The draft proposal will be posted in a future Federal Register where the public may submit comments.

Social Security Administration (SSA) Extends FOIA Restriction to 100 Years

On July 27, 2011, the SSA posted changes to their website regarding accessing Social Security-5 applications due to “extreme age requirements”. The SSA assumes that a person is alive unless their birth date exceeds 120 years or they have proof of the person’s death. They will release the number holders (NH) information and the NH parents names under the following situations:

- the NH’s birth date exceeds 100 years and we have proof of the NH’s death; or
- the NH’s birth date exceeds 120 years and no proof of death exists.”

National Archives and Records Administration (NARA)

Closure of Pittsfield, MA National Archives

The National Archives closed the Pittsfield, MA branch. The final day was September 16, 2011. They transferred over 71,000 rolls of microfilm (census records, passenger logs, etc) to the Berkshire Athenaeum, Pittsfield’s Public Library.

National Archives Attempting To Restore the 1973 Fire

In 1973, a devastating fire burned millions of US military records located in the St. Louis, Missouri facility--we all thought the records were lost forever, however it has recently been reported that there are restoration efforts being undertaken by the National Archives, in St. Louis.

Release of the 1940 US Census

The National Archives (USA), with its partner Archives.com, launched its new website www.1940census.archives.gov in preparation for its first-ever online. Other genealogical organizations have also posted the unindexed actual files to their websites with different organizations name indexing the information.

Arizona

The Arizona Department of Health Services updated birth certificates (1855-1935) and death records (1844-1960) available on-line. The law requires births that occurred at least 75 years ago and deaths that occurred at least 50 years ago to be made available publically.

Georgia

Archives Threatened With Closure

Georgia State Archives are being threatened with closure due to statewide budget cuts. Over the past several years, the Archives have had their days of being open to the public reduced from five to two days and dramatic staff reductions have been made.

Kentucky

SB 54

The bill did not pass. As proposed, it would have restricted access to marriage and divorce records if the marriage or divorce occurred within the past 70 years. Currently, there are no restrictions on access to marriage and divorce records. SB 54 also proposed limiting who may access vital records to those who are named: the spouse, child or parent of person named, any person authorized by person named in vital record, an elected official on behalf of a constituent who is named in vital records, and legal authority over person named in vital record.

Maine

LD 1627

Continuing with amending the legislation that passed in the previous two years, 2012 also had a bill that modified the previous year's access to records legislation. LD 1627 addressed marriage applications as originally introduced, but did not include permission for genealogists obtaining a researcher card that was established in the 2011 legislation, thereby allowing genealogists to forgo the 75-50-50 years waiting periods to obtain the records. IAJGS working with the Maine Genealogy Society and other Maine genealogists were successful in getting the bill amended to add marriage applications into the existing statute. The bill passed and was signed into law.

Still outstanding from the 2011 legislation, is the adoption of rules that would permit genealogists to obtain the researcher card. The Maine Office of Vital Records states it is due to not yet replacing key personnel.

Massachusetts

HB 603

This bill would severely restrict who would be able to access birth records. Massachusetts is an open records state and has been since 1641. A similar bill did not pass during the previous

legislative session. A hearing was held in late October. To date no further action has occurred—however, Massachusetts legislative session is a two-year period, and the bill was introduced in 2011, therefore, PRAMC continues to monitor to see if there is any further activity. The Massachusetts Genealogical Council continues to be the primary advocate to deter such legislation and PRAMC is in communication with their leadership.

New Jersey

AB 461

This is the third legislative session that legislation has been introduced that would extend the waiting periods for access to birth, marriage, divorce and death records—an exemption is **not** made for genealogists. The proposed waiting periods under this bill are 100 years for birth records, 50 years for marriages, civil unions, and domestic partnerships, and 40 years for deaths and fetal deaths. There is no provision for genealogical copies. Members of the press are exempt from the waiting period.

New York

New York City Municipal Archives Proposed Merger with the Department of Citywide Administrative Services Int. 486-2011

In November 2010 at the behest of Mayor Michael R. Bloomberg, the New York City Council proposed legislation that would eliminate the autonomy of New York City's Department of Records and Information Services (DORIS), the agency that is responsible for the records and archival documents produced by past and present City governments. The proposed legislation (Int. 486-2011) would place the currently independent agency within the Department of Citywide Administrative Services (DCAS). A hearing was held in April 2011. A stakeholder meeting was held in March 2012, but no further action has occurred. A petition to oppose the merger, spearheaded by Archivists Round Table of Metropolitan New York, Inc., is still collecting signatures.

If passed, this legislation would significantly downgrade the authority of DORIS within City government and potentially put at risk its ability to preserve, protect, and make accessible the intellectual legacy of New York City..

Pennsylvania

SB 361

This bill was signed into law December 2011 and became effective February 12, 2012, making birth records available to the public after 105 years and death records 50 years from the date of death. The records upon availability to the public will be maintained at the Pennsylvania State Archives. Previously, Pennsylvania was one of the most restrictive states for access to these records. The legislation took several years and several attempts in the legislature to pass. The Pennsylvania Historical Records Access (PaHR-Access) group spearheaded the efforts. IAJGS wrote letters of support for several of the committee hearings and a letter of support to Governor Corbett.

Virginia

SB 660

This bill was signed into law and became effective July 1, 2012. The law requires birth records after 100 years have elapsed from the date of birth and records of death, marriage, or divorce after 25 years have elapsed from the event, to become public information. Before this law passed, there was a 50-year wait for records other than birth. The law also grants authority to the State

Registrar to seek to enter into a long-term contract with a private company experienced in maintaining genealogical research databases to create, maintain, and update such an online index at no direct cost to the Commonwealth with the private firm being able to provide the index to its subscribers. In September 2011, IAJGS submitted a letter of support to the Joint Commission on Health Care, which was reviewing the legislation prior to the session beginning in 2012.

Thank you to JewishGen

IAJGS PRAMC thanks JewishGen for permitting us to make informational announcements—only on its discussion group, of legislative or regulatory items of genealogical interest with noting that further information is available on the IAJGS website current Legislative Alert. We would not be as successful as we have been, without the cooperation of JewishGen in getting the individual genealogist informed and ready to assist by contacting their local representatives to amend egregious legislation for genealogical research.

If you aware of other areas of access denial, please let us know. Your eyes and ears are how we learn of many situations that require monitoring or action.

Respectfully submitted,



Jan Meisels Allen
Vice President, IAJGS, and
Chairperson, IAJGS Public Records Access Monitoring Committee