



To: IAJGS Members-2020 Annual Session

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

Re: Public Records Access Monitoring Committee-Annual Report

Date: June 22, 2020

**Committee Members 2019-2020**

Jan Meisels Allen, Chairperson, Agoura Hills, California

Teven Laxer, Sacramento, California

Bert Lazerow, San Diego, California

Mark Nicholls, Edgeware, Middlesex, London, UK

Paul Silverstone, New York, New York

Catherine Youngren, Coquitlam, British Columbia, Canada

Ken Bravo, ex officio, President IAJGS, Cleveland, Ohio

The Public Records Access Monitoring Committee (PRAMC) had a busy year monitoring and addressing issues affecting access to public records.

Access to vital records, census documents and other records is essential to the ability of genealogists to research family histories—whether as a business or a personal hobby.

PRAMC monitors legislation and regulations in order to assess whether action may become necessary. Information is posted on the IAJGS Records Access Alert as soon as it becomes available.

**JewishGen**

PRAMC posts a monthly one-line summary of postings on the *IAJGS Records Access Alert* the beginning of the following month. For example, the JewishGen posting in the first week of June 2020 covered the IAJGS Records Access Alert postings for all of May 2020.

**Records Access Alert**

IAJGS is an international organization, PRAMC believes it is critical that the *IAJGS Records Access Alert* covers the entire globe, not just North America. The “right to be forgotten” has raised its specter in Canada and the United States. Every genealogist should be aware and concerned about the right to be forgotten as a way by which an individual’s history can be erased.

The GDPR became effective on May 25, 2018 two years ago—(see below). Now, the issue of privacy has become even more relevant worldwide. In the United States various states have enacted privacy legislation that we also monitor and report upon. The PRAMC continues to review access to vital records and census records that result from government action worldwide and carefully selects issues on which IAJGS may take a proactive stance.

It is of the utmost importance that at least one member of each society subscribes to the Records Access Alert in order for societies to keep apprised of critical actions affecting records access.

**Accomplishments Summary**

These are highlights of what PRAMC worked on since last year’s report, dated May 27, 2019:

### **Records Access Alert:**

- 241 *Records Access Alert* postings on 22 countries since the 2019 IAJGS Annual Meeting on July 31, 2019. Due to the pandemic, many legislatures and state government regulatory bodies were not operational for at least several months impacting the amount of legislation and regulations promulgated during 2020. This marks a 20 percent decrease in reporting over 2019. 312 Alerts since the 2019 Annual Report (May 27, 2019) on 28 countries.
- 784 subscribers to *IAJGS Records Access Alert*- more than doubled from 2015.
- Subscribing to the *Records Access Alert* was promoted by IAJGS at RootsTech. Other RPAC members promote *Records Access Alert* at their speaking engagements.
- The IAJGS *Records Access Alert* is also promoted at the IAJGS conference booth with fliers at the IAJGS table and at the annual meeting.
- Both Judy Russell's *Legal Genealogist Blog* and Dick Eastman's *Online Genealogy Newsletter* have promoted the *IAJGS Records Access Alert*

### **Presentation/Panels:**

- Conference presentations: panel at FGS 2019 (August); IAJGS-PRAMC program at 2019 IAJGS Conference with Jan Meisels Allen. Due to the pandemic, NGS in-person conference was cancelled and no opportunity to promote during their virtual conference as the RPAC panel was canceled.

### **Submitted Statements:**

- IAJGS submitted four statements on proposed legislation and regulations in US States: Delaware, Washington State; and to the US Federal government on proposed fee increases by the United States Citizenship and Immigration Service (USCIS).

### **Legislation and Regulation Statements:**

1. Submitted a letter in 2020 following a conference call convened by Senator Stephanie Hansen, Delaware about identity theft not being caused by genealogists, and about embargo periods for vital records. This was a follow-up to HB 114 during the 2019 session on proposed legislation on vital records embargo periods following NAPHSIS Model Vital Records Act. Senator Hansen decided to convene a task force to discuss the issues and amended the bill in the Senate. The bill passed only extending the marriage embargo period for 10 years. IAJGS and RPAC were invited to participate on the task force and participated in conference calls and submitted letters. Legislation is expected in 2021 addressing these issues.
2. In December 2019 IAJGS submitted a statement to the Washington State Department of Health Services on the proposed draft regulations for vital records. These regulations would implement the statute adopted the previous year. The genealogical community worked with the State Department of Health and the Senate Finance Committee to amend the regulations and was successful with 90 percent of our concerns being addressed. However, our concerns about the mandatory requirement for a requestor (genealogist) having the names of the parents, date of birth when ordering either certified or informational copies of vital records was not reflected in the final regulations. The regulations become effective January 1, 2021.
3. In late 2019, the USCIS proposed obscene fee increases for the genealogy program. The increase to genealogists for Alien Registration Files and some C-Files would be a 269% increase from \$65 to \$240 and a 492% increase from \$65 to \$385 for A-Files, Visa Files, Registry Files, and some C-Files. Moreover, to obtain file numbers for most of the latter records, the \$240 index search fee would be required, a 481% increase from the current costs of \$130 to \$625. The \$625 fee is a result of obtaining the file number \$240 index search plus \$385 for the record itself for A-Files, Visa Files and Registry Files. As of this report, there has been no proposed amended or final regulation regarding the fees.

4. Submitted a letter to Massachusetts Governor Charlie Baker, Chairman, House Committee on Ways and Means and the Chairman Senate Committee on Ways and Means opposing the rescission of being an open records state and placing embargo periods on birth and marriage records for 90 years and death records for 50 years, which is included in the Governor's proposed budget. Massachusetts has been an open records state since 1641.

#### **Monitoring Issues:**

Reported on numerous international issues from countries including: Australia, Brazil, Canada, Costa Rico, Czech Republic, Europe, European Union, Finland, France, Germany, India, Ireland, Netherlands, New Zealand, Republic of Ireland, Poland, Russia, Scotland, Spain, Sweden, South Africa, United Kingdom, Ukraine, Vatican and United States (25 jurisdictions plus the federal government). We also monitored regulatory issues that affect genealogists if/as they may utilize these services: Apple, Amazon, Google, Facebook, Microsoft, WhatsApp, and agencies such as the Arolsen Archives (formerly International Tracing Service), Court of Justice of the European Union, (US) Federal Trade Commission, US Supreme Court and report on organizations such as *Reclaim the Records*.

#### **IAJGS Records Access Alert**

The IAJGS created the *Records Access Alert* in February 2013 for postings regarding governmental or repository actions that enhance or reduce access to genealogically-relevant records. The *Records Access Alert* also includes postings regarding advocacy when it is determined that action rather than monitoring is required. This is an announcement list, for which subscriptions are required. It is open to anyone affiliated with a genealogical organization, not only members of IAJGS or JewishGen and its SIG subscribers. All organizations should have at least one member subscribed. To subscribe go to: <http://lists.iajgs.org/mailman/listinfo/records-access-alerts> and follow the instructions to enter your email address, full name and genealogical affiliation. You will receive an email response that you must reply to or the subscription will not be finalized. All postings are archived and may be accessed at: <http://lists.iajgs.org/mailman/private/records-access-alerts/>. As of the date of this report, we have 784 subscribers, but 17 out of 91 IAJGS member organizations have not yet subscribed. Non-public access items are posted to the IAJGS Leadership Forum.

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

In North America, a joint committee of the FGS, IAJGS and the NGS monitors and recommends action to be taken on restrictions to access of public records. RPAC holds monthly conference calls and shares information via e-mail.

The IAJGS is one of the supporting/managing members of the RPAC. The other supporting members are the Federation of Genealogical Societies (FGS) and the National Genealogical Society (NGS)\*. The Association of Professional Genealogists (APG), the Board for Certification of Genealogists (BCG), International Commission for the Accreditation of Professional Genealogists (ICAPGen), and the American Society of Genealogists (ASG) also serve as participating members. By invitation, RPAC also includes participation from a few commercial providers of genealogical information. The committee is chaired by Janet A. Alpert, past president of the NGS. IAJGS has been a major contributor of signatures of the Genealogists' Declaration of Rights at IAJGS Conferences, the Southern California Genealogy Jamboree, and from IAJGS member societies around the US.

\*With the merger of FGS into NGS later this year, there will be a combined representation on RPAC under the NGS banner.

Beginning in 2015, Teven Laxer has monitored legislation in California for RPAC, as well as IAJGS. By participating with this committee, IAJGS is better able to find out when legislative or regulatory actions are occurring and might need our attention. As a result of our collaboration with RPAC, IAJGS is able to maximize our effectiveness while preserving our limited resources. In Summer 2017, Teven Laxer was appointed as the second IAJGS RPAC representative.

Since last year's IAJGS conference, Jan Meisels Allen has participated on the RPAC Records Access Panel presentation at the FGS conference which was held in Washington DC in August 2019. There was to be an RPAC panel for this year's NGS conference but because of the pandemic the conference went virtual instead and it was decided to cancel that panel. As of writing this report, the FGS conference plans to hold their conference in September virtually. If there is an RPAC panel, Jan will represent IAJGS on the panel.

**Other RPAC activities since last year's report:**

- Since 2013, RPAC has been in dialog with National Association for Public Health Statistics and Information Systems (NAPHSIS) about access to vital records in the fifty-seven states and reporting jurisdictions. Efforts to amend the Proposed Model Vital Statistics Act have not been successful. The discussions by the NAPHSIS panel on amending the Model Act embargo periods has been put on hold due to the pandemic. RPAC's recourse is to continue to advocate for more accessible records state by state. Jan Alpert and the FGS representative to RPAC attended the NAPHSIS conference last year.
- Requesting NAPHSIS to open death records to prevent identity theft of a deceased person by publicizing the death in the Death Master File.
- Requesting the embargo period of death records be reduced.
- Working with Delaware State Senator Hansen to try to avert an elongated embargo period for vital records (see above).
- Submitted a Statement to Massachusetts Governor Charlie Baker opposing the proposed embargo periods for birth and death records (see above).
- Submitted a statement to Georgia, Chair, House, Health and Human Services Committee opposing provision for transfer of vital records for 25 years to state archives and opposition to the longer embargo periods which would follow the NAPHSIS endorsed Model Vital Records Act.
- Sent a letter to Public Buildings Reform Board copying NARA Archivist David Ferriero opposing the proposed closing of the NARA branch archives in Seattle.
- USCIS Proposed Fee Increase. RPAC spearheaded a unified response to the outrageous proposed fee increases for USCIS genealogical fees. The letter sent by RPAC was signed on by 146 additional organizations representing more than 334,000 members.
- RPAC Chairperson attended NAPHSIS Safety and Security Conference in November trying to correct misinformation about identity theft with experts.

**RPAC Priorities for the Next Year**

RPAC developed priorities which include:

- Opposing NAHPSIS Model Act's increased embargo years;
- Access to NAPHSIS EVVE Fact of Death System;
- Monitoring right to be forgotten legislation;
- Updating the vital records access database; and
- Continued collection of Genealogists ' Declaration of Rights signatures.

**National Coalition for History**

In 2014, RPAC was invited to join the National Coalition for History (NCH) <http://historycoalition.org/> and, in 2015, RPAC Chair Jan Alpert started serving a two-year term on the NCH Policy Board. Her term ended January 2017.

The NCH is a consortium of over 50 organizations that advocate on federal legislative and regulatory issues. The coalition is made up of several diverse organizations representing historians, archivists, researchers, teachers, students, documentary editors, preservationists, political scientists, museum professionals and other stakeholders. Since 1982, NCH (formerly the National Coordinating Committee for

the Promotion of History) has served as the voice for the historical and archival professions in Washington, D.C.

Effective in 2017, each of the three sponsoring organizations agreed to increase the RPAC membership to full membership in the National Coalition for History. Their major efforts this year have been lobbying efforts on funding of the Library of Congress, National Archives and Records Administration (NARA), and the National Historical Publications and Records Commission (NHPRC). See:

<http://historycoalition.org/advocacy/>

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

### **A) The threat of identity theft**

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 in the erroneous belief that these actions will prevent identity theft. Vital records access is not the cause of identity theft. Changing access to vital records gives the appearance that legislators are doing something.

*Risk Based Security's 2020 Q1 Data Breach Report* finds the total number of publicly reported data breaches decreased by 58% compared to same time last year. **However, the number of records exposed for the quarter skyrocketed to 8.4 billion a 273% increase compared to Q1 in 2019.** Approximately 70% of reported breaches were due to unauthorized access to systems or services, while approximately 90% of the records exposed were attributable to exposing/publishing data online.<sup>1</sup> Nowhere in their report did the terms: genealogy, family history, birth records, death records, birth certificates, death certificates or vital records appear.

### **The New York State Attorney General's Office reported in *Information Exposed, 2017 Data Breaches in New York State 1,583 breaches to the AG's Office.***

However, in a word search, the terms, "genealogy," "genealogical," or "family history" were not found, making the obvious assumption that the study did not find these the cause of identity theft.

Genealogical websites have been blamed for causing identity theft by permitting access to the Social Security Death Index (SSDI). However, the main cause of identity theft is hacking into databases of banks, data collectors, government agencies, merchants, etc. Stronger and more secure safeguards by these institutions are needed to protect against identity theft. As genealogists, we have to educate our legislators as to the real cause of identity theft and to insist they keep access to public records open.

In the United States, with the changes in the health care law and how health care is being provided, a side effect is the increase in the amount of personal information in health care databases, the size of those databases, the number of people who access those databases, the amount of information transferred from one database to another, and the lessening of the degree of credentialing imposed upon the typical person who has legitimate access to those databases. It portends a greater possibility of potential problems with personal information being accessed. The *First Half of 2018 Gemalto Report* stated "Healthcare continues to lead in number of incidents (27 percent). The largest such incident, 211 incidents occurred in Los Angeles County, exposed 3.5 million records through accidental loss... Social media ranks top for number of records breached (56 percent) due to the high-profile customer data compromises at Facebook and Twitter, involving 2.2 billion and 336 million respectively."<sup>2</sup>

### **B) Budget cuts and shortfalls**

Unfortunately, several local and national government budget shortfalls have led to increases in the cost of researching and obtaining government records, and may continue to occur. Due to the worldwide fiscal situation, governments are reducing funding for national archives and in some instances merging their archives with other government agencies. We started seeing this in New Zealand in 2010. Since then, we have seen it in Canada with the Library and Archives Canada, and the 2014 threat in Oklahoma when an

attempt was made to consolidate the Oklahoma Historical Society with the Department of Tourism. Indiana was the focus of this debate in 2015 when the governor proposed a 24 percent decrease in state library funding. In the end, the loud outcry restored the Genealogy Division and statewide database funding. In 2016, the issue appeared in Iowa with funding for a new building vs. access and staffing for the archives. In 2017, the Library of Virginia was threatened, but genealogists were successful in getting most of the funding restored. We have seen individual regional archives and libraries also facing similar budget cuts: In 2019 the Michigan History Center impacting the Archives of Michigan and the National Archives of Australia.

With the worldwide economy being affected by the COVID-19 pandemic, it is expected that we will see proposed budget reductions affecting archives and libraries.

- The New Zealand Archives reduced reading room hours starting March 2, 2020 to 9am-1pm at the Dunedin, Auckland, Wellington and Christchurch offices.

### **Your Role in Preserving Access to Vital Records and Census Information**

Achieving access to vital records and census information takes everyone's efforts. Please get involved by contacting your government representatives when there is an access issue that affects you. "All politics are local." While IAJGS may submit 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.

Several years ago, we asked for each society to identify a key person who would monitor records access in their area and report to the PRAMC. So far, only a few societies advised us that such board appointments have been made. This is an activity all of us must be involved with—without access to records, we cannot properly research our genealogy!

### **Several Major Issues Confronting Genealogists**

There are four main issues to which PRAMC devoted many hours, in addition to the usual monitoring and letter writing on specific issues:

#### **General Data Protection Regulation (GDPR)**

PRAMC spent many hours and Records Access Alert postings on privacy and governments concerns with big technology. The European Union's General Data Protection Regulation and its implementation by data regulators. GDPR became effective May 28, 2018. In addition to personal data security the regulation codifies the "right to be forgotten," as well as "the right of erasure."

The GDPR changed the focus worldwide, not just in the EU, to privacy issues. This affects social media, press, as well as access to vital records.

The GDPR governs the use and privacy of EU citizens' data and the Directive governs EU citizens' data by law enforcement. The EU represents 500 million residents in the 27-member countries. Prior to the GDPR becoming effective, there was a patchwork of national rules and now there is one law for everyone.

The legislation was designed to ensure that precautions are made to protect personal data. Failure of protecting personal data results in it being subject to an attack or data breach which is required to be reported to both their customers and the data regulators within 72-hours of being made aware of the incident. It has affected how businesses obtain, store and use personal information. Privacy, Privacy, Privacy is the new issue worldwide with positive and negative results.

One of the regulation's provisions is the prohibition of the publication of personal data of living persons, especially when it is considered "special" personal data, such as religion, or political beliefs. There have already been closures of databases as a result of the GDPR that were reported in last year's report.

For those of us who rely on searches to assist us in our genealogical research, the GDPR has major impacts on us as it will affect our ability to research links from certain countries or from certain parts of the Internet.

It must be remembered there is a fundamental difference between the EU and the United States when it comes to privacy. In the EU, privacy takes precedence, and in the US, the constitutional right of freedom of speech takes priority—this is the crux of the debate on the right to be erased or right to be forgotten. However, with enactment of the California Consumer Privacy Act last year which becomes effective July, 2020, other states are also looking to enact or have enacted legislation. There are several bills being reviewed in the United States Congress to also protect the consumer's privacy while not violating US constitutional rights.

### **Facebook, Google, Microsoft and other Social Media Companies' Legal Issues**

There are multiple lawsuits against multinational corporations and other social media companies that have been filed in the European Union. The IAJGS Records Access Alert has devoted numerous postings about regulatory sanctions against: GAFAM: Google, Apple, Facebook, and Amazon, and more. These actions are about their dominance in the industry and whether they violate EU anti-trust issues; privacy, transparency and more. We are now seeing similar litigation across the globe: Australia, Canada, United States to name a few.

Most recently is the issue of taxing these large companies. France could not wait until the EU could decide whether to tax and if so how much and instituted a 3 percent tax on gross revenues retroactive to January 1, 2019 on companies with 750 million Euros (\$842 million USD) in worldwide revenue and 25 million Euros in French digital sales. This amounts to about 30 companies predominately from the United States. Italy, Spain, India and the Czech Republic have either adopted or in process of adopting such a tax.

Meantime, the EU is still debating an EU-wide tax so that companies whose European headquarters are located in more "tax friendly" countries will not be able to evade the new revenue stream for individual countries. The Organization for Economic Cooperation and Development (OECD) comprised of mostly wealthy countries is still working toward global reform of digital taxation.

To view other litigation in the EU and other countries read the IAJGS Records Access Alert.

Google has approximately 90 percent of the European market, varying by country. According to the most recent transparency report, In the period May 29, 2014-June 15, 2020, Google reported receiving roughly 937,840 requests calling for the delisting of about 3.68 million URLs. 46.4% of those URLs were delisted.<sup>3</sup> Google is the 21<sup>st</sup> century library. Imagine what people would say if every library in the world burned half of their books and magazines?

Microsoft's biannual transparency report for July 1,-December 31, 2019 was released this Spring. Bing, Microsoft's search engine, reported there were 2,665 requests received covering 9,387 URLs They accepted 4,902 URLs for removal-or 52 percent. Since the "right to be forgotten" began in May 2014 until the end of December 2019, Microsoft received 35,672 requests for removal from 111,066—45 percent of the requests were accepted- 55 percent were rejected.<sup>4</sup>

### **Right to be Forgotten**

The right to be forgotten (RTBF) began in the EU with the Court of Justice of the European Union finding that search engines would be required to remove links to certain postings if they met certain criteria in a ruling in 2014, *Google Spain SL, Google Inc v Agencia Española de Protección de Datos, Mario Costeja González*, the GDPR codified the RTBF. The data is to be deleted if requested and is "inadequate, irrelevant or no longer relevant". Customers have the right to request companies to delete all of the data held on them permanently. There have been thousands of requests in the past year to have their information removed. If companies suffer data breaches and the requested data to be

deleted has not been, it is possible that data has been compromised. Currently it is up to the search engines to determine if something is to be erased.

However, the global reach is far beyond the European Union. We have seen this being adopted in the following countries: Argentina, Australia, Brazil, China, Costa Rico, Hong Kong, India, Mexico, Russia, South Korea and Turkey.

A case went before the European Union's Court of Justice brought by the French data regulator, National Commission for Information Technology and Civil Liberties (CNIL) as to whether the RTBF is extraterritorial. The Court found in September 2019 that the right to be forgotten was not extraterritorial and therefore, applies only within the European Union. The Court said Europe could not impose the right to be forgotten on countries that do not recognize the law. "The balance between right to privacy and protection of personal data, on the one hand, and the freedom of information of internet users, on the other, is likely to vary significantly around the world," the Court said in its decision.

Right to be forgotten exposes direct conflicts with two groups: data privacy advocates and free speech advocates.

The Canadian Office of the Privacy Commissioner (OPC), issued the 2018-2019 Annual report to Parliament on the Privacy Act and the Personal Information Protection and Electronic Documents Act (PIPEDA) earlier this month. The report advocated enhancing the power of the Federal privacy Commissioner:

- the right to prescribe "binding rules" and "binding guidance" for the purpose of enforcing privacy rights and principles
- the right to initiate proactive investigations/audits so that "demonstrable accountability" can be shown to exist.
- the right to enforce remedies that are "quick and effective"
- Amending PIPEDA to make it clear that privacy is a "fundamental human right" and that PIPEDA is not just a bunch of principles, or even rules, about data protection, but rather (in effect) an intrinsic adjunct to Canada's constitution.
- The OPC report would embed the "right to be forgotten" as well the right of "unjustified surveillance" by businesses.<sup>5</sup>

In 2020, Iowa (USA) introduced a right to be forgotten bill but it did not get out of the legislature before they adjourned.

### **United States: 2011 Model Vital Records Act Revision**

The Model State Vital Statistics Act was developed to serve as a model for states in preparing laws and regulations on the collection and publication of vital statistics. The Model Act currently restricts access to birth records for 100 years and death, marriage, and divorce records for 50 years. A working group consisting of state and local vital statistics executives drafted the 2011 Revision of the Model Vital Statistics Act, which would extend the restriction periods to 125 years after the date of a live birth, 75 years after the date of death, and 100 years after the date of marriage or divorce.

The Department of Health and Human Services (HHS) put the 2011 Revision "on hold" in April 2012. Impatient for DHHS approval, the National Association for Public Health Statistics and Information Systems (NAPHSIS) endorsed the Model Act in 2011. Frustrated by the delay in approval at the federal level, several state vital records officials introduced the 2011 Model Act in their state legislatures. The working group has been disbanded, so our recourse is to work on the legislation as it is introduced in various states.

At the Federation of Genealogical Societies (FGS) conference August 2019, the NAPHSIS executive director Shawana Webster commented that they would be relooking at the embargo periods in a revised Model Act revision. The current pandemic, however, has put everything on hold and the NAPHSIS Task Force is not meeting and therefore, the existing model act continues to be advocated.



**Delaware HB 114** was amended from extending embargo periods for birth, marriage and death records to increasing the embargo period for marriage records only- and then only for ten years. Under the new law, marriage records are now embargoed for 50 years. Additionally, the law requires an analysis of any further embargo enlargements as well as the granting of limited disclosure. The bill was signed by the governor on June 26, 2019. The more palatable bill is due to the work of the genealogical community and Senator Stephanie Hansen, who is her family genealogist. When the bill was passed out of its original house of origin, the House, it had embargo periods for birth records from 72 years to 80 years for date of birth and from 40 years to 50 years for death and marriage. IAJGS serves on a task force chaired by Senator Hanson. However, after speaking with NAPHSIS it was discovered that embargo periods are not changing as they are not currently working on embargo provisions on a revised model act a new bill may be introduced in 2021 with the Model Act embargo provisions.

**Georgia SB 372** a bill on public health and modernization has hidden in Section 5, starting on line 140, the embargo periods advocated by NAPHSIS and the Model Vital Records Act. The bill would change birth records embargo from 100 years to 125 years, and death and marriage and divorce records from 75 years to 100 years. If enacted, the bill would also raise the cost for vital records. The State Archives currently provides copies of vital records for 30 cents per page and the State Vital Records Department charges a \$25 search fee plus copy costs for in-person requests and much more (\$33-\$55 per request) if an online vendor is selected. On June 18, the Georgia House of Representatives overwhelmingly approved the bill which was approved unanimously in the Senate in March. It is en route to Governor Kemp for signature.

#### **Massachusetts Governor Budget Proposal**

Massachusetts Governor Charlie Baker is proposing a draconian change in his state which has been renowned for open records since **1641**:to keep birth records and death certificates closed for 90 years and marriage notices closed for 50 years.

Currently, these vital records may be viewed or purchased by the public at local town halls or city halls and the state's records registry without waiting. Only a person's parent, attorney or by judicial order are the exceptions. Another change would require the certificates to include only "information minimally necessary to establish fact of birth, death or marriage."

The governor's office said this would shield potentially sensitive personal information and mirror "national best practices". This is part of the National Association of Public Health Statistics and Information Systems (NAPHSIS) system, which has never been approved by the federal government and NAPHSIS is currently considering modifying their 1992 model act which may include relaxed embargo periods to access records. The pandemic has put their plans to amend the act on hold.

**New Access to Records, Monitoring and Reporting Issues** (To read all major activities go to the *Records Access Alerts Archives*.) These are a selection from the archives.

#### **Australia**

- Australian Government to Force Facebook and Google to Pay for News Content
- Government Orders Competition Watchdog to Develop Mandatory Code of Conduct Governing Technology Giants and News Media
- Victoria's Supreme Court Rules Google is a Publisher and Orders Them to Pay a Fine--Right to be Forgotten

#### **Canada**

- Canada's Supreme Court Reviewing Appeal to Strike Down Protection From Genetic Discrimination
- Office of the Privacy Commissioner Issues 2018-2019 Annual Report to Parliament
- Reports of Admissions and Rejections (migration and border control manifests)

**European Union- See elsewhere in report for more on activities of EU**

- EU Court Decision Prompts Northern Ireland Police to Delete Biometric Records
- EU Court of Human Rights Right to be Forgotten Case--Whether News Outlet Has to Delete Content in Response to an Erasure Request
- EU Commission Wants to Create " A Single European Data Space" Favoring EU-Based Data Companies
- EU Google Will Not Pay New Copyright Publishers Tax; Starbucks Wins Tax Issue Before EU General Court
- EU Google in Talks With Publishers to Pay for Displaying News
- EU Gala-X German- French Initiative for Commercial Cloud Providers

**France**

- France's Competition Authority Hit Apple with Record 1.1 Billion Euro Fine
- France Rejects Bill to Legalize Consumer DNA Tests
- French Conseil d'État Decision Upholds Google's Non-Extraterritoriality on Right to be Forgotten
- French Conseil d'Etat Judges that CNIL Cannot Prohibit Cookie Wall Practices in Blocking Website Access if Cookies are Refused
- French Parliament Passes Hate Speech Law Permitting Fines of Social Media Companies if they Fail To Remove Illegal Content within 24 Hours
- Google Loses In French High Court- Fined \$57Million Violation of GDPR for not "not being sufficiently clear and transparent" with Android users about data protection options

**Germany**

- German Court Rules Privacy Rights In Germany's Constitution Extends to Foreigners Living Abroad-- Including their Online Data
- Austrian Activist Schrems' Group None of Your Business (NoYB) Files Complaint Against Amazon with Germany's Hessian Data Protection Authority

**India**

- India's Supreme Court Challenges National Population Register as Violative of Citizen's Fundamental Right to Privacy

**Netherlands**

- Netherlands Passenger List of the Holland America Line 1900-1920 Online on Open Archives

**Russia**

- Russia's New World War II Army Database

**Spain**

- Spain's Lower House to Draft 3% Digital Tax on Internet Giants
- Sweden's Data Protection Agency Hits Google with \$8 Million Fine for Right to be Forgotten Violations

**United Kingdom**

- United Kingdom 2021 Census Could be the Last
- United Kingdom Google Getting Free Access to National Health Service Medical Data

**United States**

- US Government May Impose 100 percent Tariff on French Imports in Retaliation for French Digital Tax on US Technology Companies
- USCIS Proposes Fee Increases for Genealogy Records
- National Archives to Close Seattle National Archives Facility
- Pentagon Warns Military Personnel Against At-Home DNA Tests
- California Genetic Information Privacy Act SB 980 Amended to Also Apply to Illness Testing
- Hidden in Georgia SB 372 on Public Health and Modernization- NAPHSIS Embargo Periods for Vital Records
- Microsoft Will Use California's Consumer Protection Act Principles Throughout the United States
- Michigan Bill Aims to Stop Social Media, Internet Companies from Blocking Speech
- New Jersey Bill in Legislature Would make DNA Test Sole Property of the Person Tested; Similar now Law in Alaska

- Washington Proposed Rules on Vital Records Access
- Wisconsin has introduced Trio of Bills Proposing EU GDPR Privacy Data Law

**Vatican**

- Vatican Researchers Find that Pope Pius XII Knew About Atrocities Happening to the Jews During World War II

All IAJGS comments and recommendations concerning legislation and rule-making support the position that there should be public access and, if some restrictions are necessary, then these restrictions must not be infinite. Birth, marriage, divorce, and death records should be open to the public and available for research. We are trying to open public access, within a specified time period, to records that currently may have extreme embargo dates or permanent closure.



Jan Meisels Allen  
Chairperson, IAJGS Public Records Access Monitoring Committee

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<sup>1</sup> <https://pages.riskbasedsecurity.com/hubfs/Reports/2020/2020%20Q1%20Data%20Breach%20QuickView%20Report.pdf>

<sup>2</sup> <https://www.gemalto.com/press/pages/data-breaches-compromised-4-5-billion-records-in-first-half-of-2018.aspx>

<sup>3</sup> <https://transparencyreport.google.com/eu-privacy/overview>

<sup>4</sup> <https://www.microsoft.com/en-us/corporate-responsibility/content-removal-requests-report>

<sup>5</sup> [https://www.priv.gc.ca/en/opc-actions-and-decisions/ar\\_index/201819/ar\\_201819/](https://www.priv.gc.ca/en/opc-actions-and-decisions/ar_index/201819/ar_201819/)