

# Open Access to Public Records: A Genealogical Perspective

A White Paper by the Records Preservation and Access Committee  
of  
The Federation of Genealogical Societies and The National Genealogical Society



## **Records Preservation & Access Committee**

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## Executive Summary

The Records Preservation and Access Committee represents the interests of people who are intent to preserve, document and communicate the story of those whose lives wove the fabric of America with their industry, innovation and tenacious persistence to settle all fifty states and territories.

This paper [Open Access to Public Records: A Genealogical Perspective] includes a survey of the provisions of the various state statutes regulating the preservation of and access to their vital records that demonstrates wide variety in the ways jurisdictions have chosen to regulate their records. The spectrum ranges from what could be called “open access” through “closed access” jurisdictions with a variety of intermediate measures between the extremes.

The past decade has seen a number of legislative initiatives tending to restrict access to vital records with a concern about identity theft being the reason publicly stated to justify the changes.

The evidence that vital records have contributed to the risk of identity theft is virtually non-existent. There is certainly no basis to conclude that the citizens of “open access” jurisdictions are more vulnerable than those residing in more restrictive jurisdictions. Our concern is that while many of these measures serve to restrict legitimate access to records, they do nothing to protect the public from nefarious schemes and may, indeed, have the opposite result.

In the pages that follow, we have made some recommendations representing the minimum public access to vital records that we view as essential. By doing so, our intent is to exhort those jurisdictions whose access provisions are more restrictive to move, at least, to that level. We support open records and it is definitely not our intent to suggest that the more “open” jurisdictions need to adopt more restrictive measures.

We make several comments and suggestions of steps that do not restrict access to legitimate users that would better protect our citizens from inappropriate use of their personal data.

Other measures might be developed during an open dialogue between those considering addressing these issues and representatives of the genealogical community. We have available appropriate representatives with national (and international) expertise in these issues and can identify those with the most familiarity with state and local records as well.

Please contact us at [access@fgs.org](mailto:access@fgs.org) if we can be of assistance.

The current version [1 Sep 2009] of the full White Paper of which this is the Executive Summary can be found at [www.fgs.org/rpac](http://www.fgs.org/rpac) .

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