INTRODUCTION
For many years, family historians have wrestled with the dilemma between a person’s right to privacy and the right to vital record information that places them in the historical context of the human family. For some, this is mere curiosity, for others it is a hobby— a historical jigsaw puzzle. Many professionals are hired to produce major written works, resolve legal issues or perhaps establish accurate identities through DNA analysis. For others still, it may have profound meaning in relation to core religious beliefs. Regardless of the reason, the needs of both audiences must be met and satisfied. With the increased computing power and capacity in the twenty-first century, this is becoming more and more difficult as those with less than honorable intentions attempt to misuse the data and information for personal gain.

IDENTITY THEFT
Few of us have not had some experience with identity theft— either our identity or someone we know has had theirs stolen and misused. Enormous amounts of time and personal resources must be expended to reestablish our good names and credit. The frustrations and many facets of the task can be overwhelming, especially when the targets are the elderly and those on fixed incomes. As we have either experienced or listened to the experiences of those we care about go through this ordeal, it takes little effort to evoke a high sense of empathy and emotion quickly and easily enters the equation.

Capitalizing on this, legislators find ready support on both sides of the aisle whenever legislation is introduced which is perceived to thwart identity theft. No legislator wants to be perceived as opposing protecting the identities of their constituents. Thus, even poorly crafted legislation “gets legs,” gathers bipartisan support and often moves forward quickly. Voting margins on these bills sometimes exceed eighty to ninety percent in favor.

SOURCES OF INFORMATION
The genealogical community is well served on a number of fronts regarding legal and legislative threats to records. However, more eyes on the issue are always helpful and making other key information channels aware of threats extends the coverage. Among the many sources of information on this topic are:

Record Preservation and Access Committee (RPAC)
This is a joint committee of the Federation of Genealogical Societies, the National Genealogical Society and the International Association of Jewish Genealogical Societies. Representatives from other key organizations are also represented, namely, the American Society of Genealogists, the Association of Professional Genealogists, the Board for Certification of Genealogists, Ancestry.com and ProQuest.

The RPAC has a clear, direct mission statement:

“To advise the genealogical community on ensuring proper access to historical records of genealogical value in whatever media they are recorded, on means to affect legislation, and on supporting strong records preservation policies and practices.”

Current issues are followed on their webpages at www.fgs.org/rpac/ where threats to record access are detailed, calls to action when needed are made and an ongoing dialogue through the RPAC blog gives updates on issues as they progress. The RPAC produced a tri-fold brochure entitled “The Case for Open Public Records” which may be downloaded from the website. The RPAC website links to others in the record access community and freely shares information with them. Jan Alpert, a past-president of NGS is the current chair of the committee.

**International Association of Jewish Genealogical Societies (IAJGS)**  
The IAJGS has a Public Records Access Monitoring Committee currently chaired by Jan Meisels Allen. This is a very active committee and their website includes links to Government Legislative websites, alerts to current threats, a legislative tool kit for records access and a webinar on the Social Security Death Index issue discussed later in this presentation under “Current Threats.”

Among other objectives, their charter purpose states:

> “Monitor activities and proposals of libraries and repositories of genealogically relevant documents, records and materials, in regard to changes in procedures for access, storage, maintenance, preservation, transfer, or incipient destruction of such genealogically relevant documents, records and materials. Included are legislative and regulatory activities in both governmental and non-governmental repositories, which have records of genealogical value.”

For more information, visit their website at: www.iajgs.org and view the section on Public Records Access Monitoring Committee.

**Association of Professional Genealogists (APG)**  
The APG Advocacy Committee is tasked with keeping current on record threats for preservation and access. Their representation on the RPAC feeds information back to this committee to share with its members. Their Advocacy Committee is currently chaired by Kelvin L. Meyers.

The purpose of this committee is to:

> “The APG Advocacy Committee provides information on issues related to access and preservation of records and data used in genealogical research. APG members live in many countries and research in international records. For this reason we are concerned about preserving records and access worldwide. For each issue the committee summarizes the issue, provides a recommendation (with a proposed deadline, when appropriate), and then provides additional information including history of the issue.”

For more information, visit their website at: www.apgen.org and under the “Activities” heading click on “Advocacy.”

**The Legal Genealogist**  
Judy G. Russell, CG hosts a blog entitled “The Legal Genealogist” where she aims to keep legal and legislative issues in the forefront for the latest information and discussion on a wide array of topics. Judy’s website lists her credentials as “a Certified Genealogist with a law degree” and she is a well-known “lecturer, educator and writer” on legal matters that interest the genealogist.

You may view her blog postings from the homepage of her website at www.legalgenalogist.com click on the heading “blog” to view her most recent postings.
CURRENT THREATS

1. Social Security Death Index – The threat to either remove entirely or expunge the social security numbers from this file is probably the most visible threat that genealogists would immediately notice. The record preservation and access community is currently expecting a proposal from the Obama Administration and additional bills to be filed further limiting public access. We may expect further measures degrading the completeness of this database and its utility for genealogical purposes. Unfortunately, this will have the parallel effect of reducing it as the primary tool the commercial industry has for fraud prevention purposes – an irony that seems to elude all but the genealogists in the room. For further information see the RPAC Blog for 29 Jan 2013 www.fgs.org/rpac and Judy Russell’ Blog for 30 January 2013 at www.legalgenealogist.com/.

2. Model State Vital Statistics Act (MSVSA) – Many state vital records registrars are called upon to craft suggested wording for legislation for their states birth, marriage, death and divorce records. They frequently use the “modeled” wording after the suggestions flowing from the MSVSA provisions. The 1992 Version (still current) was the first proposed guideline suggesting restricting access to birth records for 100 years; death, marriage, and divorce records for 50 years. A Working Group formed in 2009 to update the Model Act reported out their work product as the 2011 Revision in May of 2011. The Department of Health and Human Services (HHS) put the 2011 Revision “on hold” in April 2012. However, the 2011 Version has been distributed to the various State Vital Records Commissioners but has not been made available for public review or comment. Indications are that the 2011 Version would add an additional 25 years to each of the embargo periods. This could be approved any time but the danger exists that State Commissioners will (and some have) include these new added restrictive measures in their State Legislative programs without waiting for the formal HHS approval process to be completed.

3. Digital Due Process Coalition – Search for Allies – The Record Preservation and Access Committee (RPAC) blog entry for 2 December 2012 details an initiative to find allies in the threat to record access. Representatives from the RPAC have been welcomed into this forum in which many of the key issues are being hammered out, now with input from the genealogical perspective.

4. H.R. 256 Stop Wasting Archives Grants – has been reintroduced in January 2013 to prohibit the National Historic Publications and Records Commission (NHPRC) from funding non-federal projects. Historically, this fund has assisted with many preservation projects in the individual states where state budgets would have been insufficient to fund the preservation of their piece of our nation’s treasured history.

5. DNA Privacy Issues – The RPAC is currently working on a position regarding DNA studies and privacy in the light of articles recently published in Science and picked up by the New York Times and other news outlets. It is clear that the confidentiality that was purported to participants who gave DNA samples was breeched to illustrate the point of how vulnerable this data may be to unscrupulous individuals. It has far reaching implications crossing multiple disciplines and industries.

RECENT ACTIVITY

Arizona has placed birth and death records online with a 50-year closure for death records and a 75-year closure for births.
Georgia – The Georgia State Archives threatened closure of its hours of opening to the public. The threat was that the archives would only be accessible by appointment. Some funding has been restored to maintain a skeleton set of research hours, but the long-term impact may be the loss of the qualified staff who is working under a cloud of not knowing what will happen long-term. Given the staff’s expertise and skills, it would not be unlikely for them to seek stable employment elsewhere.

Pennsylvania – S 361. Birth records will be available 105 years from the date of birth (used to be restricted and no public access) and 50 years from the date of death (used to be closed from 1906)—transferred to Pennsylvania State Archives, which means these once-closed records are now open records.

Virginia – S 660 Chapter 356 Laws of 2012. Effective July 1, 2012, Death, marriage, divorce, and annulment records are available after 25 years (previously 50 years). Birth records are accessible 100 years from date of birth. An online index will be created by a private company for birth, marriage, and death records—with images. All original “open” records are to be turned over to the Library of Virginia.

Michigan – where the genealogical-book collection of materials representing states other than Michigan have been preserved by the State Archives rather than being dispersed to a number of libraries throughout Michigan and neighboring states. Genealogists became actively involved in voicing their concerns and made a direct impact on the favorable outcome!

International


Ireland – Ireland just increased the cost of certified copies of its birth, marriage and death certificates from €8 to €20 without any public notice. This caught the entire Irish genealogical community by surprise.

**ADDING YOUR VOICE**

It’s important for genealogists and family historians to keep informed regarding existing threats to record access and closure. Adding your voice to these issues may take different forms, including:

- Hear a threat – report a threat to the organizations listed above
- Know who your representatives are and keep their contact information handy
- Write letters to legislative representatives when needed
- Sign petitions when needed
- Help spread the word through your social media contacts – facebook, twitter

**CONCLUSION**

It’s easy to ignore the legislation that affects access to records – until it’s too late! Once the legislation has been passed, it’s very difficult to overturn it. Each legislative cycle is an opportunity for further restrictions to be placed on records. If a bill doesn’t succeed one year, it’s likely that it will be reintroduced the following year – it rarely sleeps.