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**TO:** Municipal Clerks

**FROM:** Data, Research, and Vital Statistics (DRVS)

**SUBJECT: Disclosure of Vital Records ~ Recommended Phone Policy**

**DATE:** 04/30/2019

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To protect the integrity of vital records or vital reports, to ensure their proper use, and to ensure the most efficient and proper administration of the system of vital statistics, DRVS does not disclose vital statistics data or information to any individual or organization verbally over the phone.

Since the devastating events of September 11, 2001 national security moved to the top of the list of the nation's concerns. State Registrars have been encouraged to expand their focus on preventing fraudulent use of vital records to include not only identity theft for criminal purposes but also use of false identification to perpetrate acts of terrorism.

Municipal clerks are responsible for maintaining all birth, death, fetal death and marriage records received for filing. These records are considered to be in the custody of the state registrar and are subject to the same requirements regarding *disclosure* as are records in the possession of the state registrar as specified in Department's rule by 10-146 CMR Ch. 11.

DRVS highly encourages municipal clerks to adopt a policy within their municipality not to disclose any vital statistics data or information to any individual or organization verbally over the phone. The policy should reference the language in Title 22 §2706 and include the following scenarios:

- ✓ Individuals requesting data or information contained in the annual town report should be referred to the municipality's web-site or a *printed* version of the annual report.
- ✓ Individuals requesting data or information from a public vital record should be encouraged to complete an application to obtain a non-certified copy of the vital record in question.
- ✓ Researchers engaged in genealogical research who hold a valid researcher identification card should be encouraged to complete an application to obtain a non-certified copy of the vital record in question.
- ✓ Municipal clerks may use their own discretion if or when verifying a vital record is filed within their municipality.

A municipal clerk must not disclose personally identifiable information contained in vital records, or issue a copy of all or part of any such record unless the applicant is authorized to obtain such record for a proper purpose or is authorized to obtain such data.

Please feel free to contact DRVS with any questions.