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HOUSE BILL NO. 905

Offered January 8, 2014

Prefiled January 8, 2014

A BILL to amend and reenact § 32.1-271 of the Code of Virginia, relating to disclosure of death index information.

Patron—Peace

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:**1. That § 32.1-271 of the Code of Virginia is amended and reenacted as follows:****§ 32.1-271. Disclosure of information in records; when unlawful; when permitted; proceeding to compel disclosure; when certain records made public.**

A. To protect the integrity of vital records and to ensure the efficient and proper administration of the system of vital records, it shall be unlawful, notwithstanding the provisions of §§ 2.2-3700 through 2.2-3714, for any person to permit inspection of or to disclose information contained in vital records or to copy or issue a copy of all or part of any such vital records except as authorized by this section or regulation of the Board or when so ordered by a court of the Commonwealth.

B. Data contained in vital records may be disclosed for valid and substantial research purposes in accordance with the regulations of the Board.

C. Any person aggrieved by a decision of a county or city registrar may appeal to the State Registrar. If the State Registrar denies disclosure of information or inspection of or copying of vital records, such person may petition the court of the county or city in which he resides if he resides in the Commonwealth or in which the recorded event occurred or the Circuit Court of the City of Richmond, Division I, for an order compelling disclosure, inspection or copying of such vital record. The State Registrar or his authorized representative may appear and testify in such proceeding.

D. When 100 years have elapsed after the date of birth, or 25 years have elapsed after the date of death, marriage, divorce, or annulment the records of these events in the custody of the State Registrar shall, unless precluded from release by statute or court order, or at law-enforcement request, become public information and be made available in accordance with regulations that shall provide for the continued safekeeping of the records. All records that are public information on July 1, 1983, shall continue to be public information. Original records in the custody of the State Registrar that become public information shall be turned over to the Library of Virginia for safekeeping and for public access consistent with other state archival records, subject to the State Registrar and the Library of Virginia entering into a memorandum of understanding to arrange for continued prompt access by the State Registrar to original records for purposes of amendments to those records or other working purposes. The State Registrar's office may retain copies thereof for its own administrative and disclosure purposes.

E. The State Registrar or the city or county registrar shall disclose data about or issue a certified copy of a birth certificate of a child to the grandparent of the child upon the written request of the grandparent when the grandparent has demonstrated to the State Registrar evidence of need, as prescribed by Board regulation, for the data or birth certificate.

F. The State Registrar or the city or county registrar shall issue a certified copy of a death certificate to the grandchild or great-grandchild of a decedent in accordance with procedures prescribed by the Board in regulation.

G. The State Registrar or the city or county registrar shall disclose data about or issue a certified copy of a death certificate to a nonprofit organ, eye or tissue procurement organization that is a member of the Virginia Transplant Council for the purpose of determining the suitability of organs, eyes and tissues for donation, as prescribed by the Board in regulations. Such regulations shall ensure that the information disclosed includes the cause of death and any other medical information necessary to determine the suitability of the organs, eyes and tissues for donation.

H. *Notwithstanding the provisions of subsection D, the State Registrar shall disclose death index information in bulk format to entities that establish or confirm an individual's status as deceased for legitimate business and governmental purposes, including but not limited to law enforcement; tax administration; statistical research activities conducted by federal or state agencies; administration of insurance policies or pensions; distribution of unclaimed funds; granting of licenses or administration of benefit programs provided by a government instrumentality; exclusion of deceased individuals from marketing activities; collections of debts regulated by the federal Fair Debt Collection Practices Act (15 U.S.C. § 1692 et seq.); verification or authentication of identity; detection or prevention of actual or*

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59 *potential fraud or other unauthorized transactions; and any activities permitted in § 604 of the federal*
60 *Fair Credit Reporting Act (15 U.S.C. § 1681 et seq.) or identified as exceptions in § 502(e) of the*
61 *federal Gramm-Leach-Bliley Act (15 U.S.C. § 6801 et seq.). The State Registrar shall confirm that any*
62 *such entity requesting death index information has established and maintains reasonable safeguards*
63 *consistent with those established by the Department to protect such information from unauthorized use*
64 *or disclosure or from use by the general public. Entities requesting such information shall agree to limit*
65 *the use or distribution of such information and require that prospective users of information distributed*
66 *properly identify themselves, certify the purposes for which the information is sought, and certify that*
67 *the information will be used for no purpose other than those authorized by this subsection and that such*
68 *information will not be redistributed. Any person who is subject to § 607 (a) of the federal Fair Credit*
69 *Reporting Act shall be deemed to be in compliance with the requirements in this subsection for the*
70 *distribution of death index information. Entities receiving death index information may be subject to*
71 *periodic audits to ensure compliance with the requirements of this subsection. The State Registrar may*
72 *charge a fee of no more than \$200 per month for disclosing death index information in accordance with*
73 *this subsection.*

74 *I. The State Registrar shall seek to enter into a long-term contract with a private company*
75 *experienced in maintaining genealogical research databases to create, maintain, and update such an*
76 *online index at no direct cost to the Commonwealth, in exchange for allowing the private company to*
77 *also provide such index to its subscribers and customers. The online index shall be designed and*
78 *constructed to have the capability of allowing birth, marriage, divorce, and death entries on the index to*
79 *be linked to a digital image of the underlying original birth, marriage, divorce, or death record once any*
80 *such underlying record has become public information, and the index shall be designed to allow the*
81 *Library of Virginia to create and activate such links to digital images of the original records. Any social*
82 *security numbers appearing on original birth, marriage, divorce, or death records shall be redacted from*
83 *the digital images provided to the public in the manner provided by law, which may include bulk*
84 *redaction of social security fields from the images via automated methods.*

85 *Following contract implementation, the State Registrar shall maintain a publicly available online vital*
86 *records index or indexes, consisting at a minimum of name, date, and county or city of occurrence for*
87 *births (naming the child), marriages (naming the bride and groom), divorces (naming the parties to the*
88 *divorce), and deaths (naming the decedent), which vital records index information, except as otherwise*
89 *precluded from release by statute, court order, or law-enforcement request, shall be public information*
90 *from the time of its receipt by the State Registrar and shall be accessible on the State Registrar's website*
91 *and on or through the Library of Virginia website.*