



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH
Vital Records Section

MEMORANDUM

TO: Connecticut Genealogists

FROM: Elizabeth Frugale, State Registrar of Vital Records

DATE: November 7, 2007

RE: Access to Vital Records

We recently received important information from the Office of the Attorney General that affects genealogists' access to vital records. The issue derives from the provisions of federal law 42 U.S.C. § 405(c)(2)(C).¹ This law restricts the disclosure of social security numbers that are obtained by authorized persons pursuant to any provision of law, enacted on or after October 1, 1990. In Connecticut, the State is required to collect the parents' social security numbers for birth certificates pursuant to a law enacted on November 1, 1990. For marriages and deaths, the relevant law was enacted on July 1, 1997, and for civil unions, on October 1, 2005. For these records, the federal law restricts release of the social security numbers to anyone, except for child support enforcement purposes. The law contains no exception to release the social security numbers for genealogical purposes.

Upon learning of this federal restriction regarding the release of social security numbers, we requested the advice of the Attorney General inquiring as to whether federal law 42 U.S.C. § 405(c)(2)(C)(viii)(I) could be reconciled with Connecticut General Statute § 7-51a that allows genealogists complete and direct access to most vital records, and thus access to the social security numbers listed on the records. The answer is that the two statutes cannot be reconciled – a registrar cannot comply with § 7-51a giving genealogists unfettered access to vital records and at the same time prohibit disclosure of the social security numbers. As in this case, when state and federal law conflict, the supremacy clause of the United States Constitution, U.S. Const., Art. VI, clause 2, requires that federal law preempt state law.²

Therefore, based upon the legal advice of the Attorney General, we are required to restrict genealogists' access to the social security numbers listed on birth records from November 1, 1990 to present, and from marriage, civil union, and death records from July 1, 1997 to present. Note that although genealogists will no longer have direct access to birth records after November 1, 1990 and, marriage, civil union and death records after July 1, 1997, genealogists are entitled to directly access birth, marriage and death indexes for these years, and obtain certified copies of these records with the social security numbers redacted.



Phone: (860) 509-7897
Telephone Device for the Deaf (860) 509-7191
410 Capitol Avenue - MS # 11VRS
P.O. Box 340308 Hartford, CT 06134
An Equal Opportunity Employer

In addition to limiting direct access to the aforementioned birth, marriage, civil union and death records, federal law 42 U.S.C. § 405(c)(2)(C) creates another problem. How can the state and local registrars separate those records containing restricted social security numbers from the rest of the records that remain accessible to genealogists? At the State Vital Records Office, this can be accomplished by storing the microfilmed records containing the protected information in a secure area. However, at the local vital records offices – where vital records are stored in paper format – the problem is more complicated. The large volume of affected records requires a tremendous amount of storage space, yet at most of the local vital records offices, space is limited.

In an effort to meet the federal requirements, while at the same time allowing genealogists as much access to vital records as possible, we are requiring all local registrars to submit a plan to our office by December 1, 2007, indicating how they will meet these two objectives. Prior to the implementation of the plan, however, some local offices may need to temporarily suspend genealogy research on site. It is our expectation that if a town does need to close its office to genealogists, it will be for a very brief period. Local registrars are giving this matter their immediate attention and will be submitting a plan to this office by December 1, 2007. If you are planning to visit a local vital records office to do research in the next few weeks, we suggest that you call ahead to ensure that you will be granted access.

We regret the inconvenience, and will work to resolve this issue as quickly as possible. In the meantime, please note that access to the vault at the State Vital Records remains accessible by appointment. To schedule an appointment, you may call (860) 509-7955.

¹ 42 U.S.C. § 405(c)(2)(C) provides in pertinent part:

. . . (ii) In the administration of any law involving the issuance of a birth certificate, each State shall require each parent to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for the law involved, the social security account number (or numbers, if the parent has more than one such manner) issued to the parent unless the State (in accordance with regulations prescribed by the Commissioner of Social Security) finds good cause for not requiring the furnishing of such number. The State shall make numbers furnished under this subclause available to the Commissioner of Social Security and the agency administering the State's plan under Part D of Title IV [42 USCS § 651 et seq.] in accordance with Federal and State law and regulation. Such numbers shall not be recorded on the birth certificate. A State shall not use any social security account number, obtained with respect to the issuance by the State of a birth certificate, for any purpose other than for the enforcement of child support orders in effect in the State . . .

. . . (viii)(1) Social security account numbers and related records that are obtained or maintained by authorized persons pursuant to any provision of law, enacted on or after October 1, 1990, shall be confidential, and no authorized person shall disclose any such social security account number or related record.

. . . (III) For purposes of this clause, the term "authorized person" means an officer or employee of the United States, an officer or employee of any State, political subdivision of a State, or agency or a State or political subdivision of a State, and any person (or officer or employee thereof), who has or had access to social security account numbers or related records pursuant to any provision of law enacted on or after October 1, 1990. For purposes of this subclause, the term "officer or employee" includes a former officer or employee.

(IV) For purposes of this clause, the term "related record" means any record, list, or compilation that indicates, directly or indirectly, the identity of any individual with respect to whom a social security account number or a request for a social security account number is maintained pursuant to this clause.

² Article Six, Clause 2, of the Constitution of the United States provides in part:

"This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the Supreme Law of the Land; and the Judges in every State shall be bound thereby, anything in the Constitution or Laws of any State to the contrary notwithstanding."