

GUARDIANS OF THE PUBLIC INTEREST: KEEPING, PRESERVING, AND SECURING VITAL RECORDS

Durham, NC — Following up on a survey of its membership conducted earlier this year, the National Association of County Recorders, Election Officials and Clerks (NACRC) plans to conduct a second workshop this July to further explore the questions of what constitutes a "vital record," as well as focusing more on emerging national trends, such as identity theft.

The NACRC Official Records Administration & Management Interest Group will host a panel presentation that examines the role of county officials in keeping, administering, and—most importantly—securing a community's vital records, including birth, marriage, and death records. The presentation is planned for Saturday, July 16, at 1:45 p.m. at the Hilton Hawaiian Village in Honolulu, Hawaii. The expert panel will include representatives from the U.S. Department of Justice, the Social Security Administration, and the U.S. Secret Service. A general question-and-answer period is planned to wrap up the presentation.

Following the release of the 9/11 Commission report, the complexion of vital records—what they are, who has them, and who legally has the right to access them—has been elevated to a national level. For county officials charged with managing vital records, these issues present some interesting opportunities as well as some significant challenges.

NACRC President Mark A. Monacelli underscored the importance of these matters to the general public.

"These are public records that provide important legal as well as historical information about a community," Monacelli said. "As county officials, we have the duty and obligation of maintaining these records, but we also have to consider the rights of the public to access these records with the privacy rights of the individuals in our communities. It's a very complex issue that has serious legal implications."

Suzanne Henderson, a co-chair of the Official Records Administration & Management Interest Group, concurs with Monacelli. As Tarrant County Clerk, she is the official records keeper in Tarrant County, Texas, which includes the city of Fort Worth.

"Obviously, technology has already had a significant impact on how we create, process, and secure our vital records, and it will continue to be a strong focus for county officials across the nation in the years to come," Henderson said. "But even with the benefits of technology, we have to carefully consider its impact on our ability to safely secure and protect the records that are entrusted to our care. Identity theft remains the top-ranked white collar crime, and that has serious implications for our industry."

With courts and governmental agencies increasingly making public records available on-line, officials now face the question, "How public is too public?"

That public records are accessible to the public is an unassailable tenet of a democracy: it enables the citizenry to monitor the activities of its government. Public records provide notice to all members of a society of the official actions that are taken by their government, or the decisions that have been made in their behalf. Public records also provide notice of the "official" status of individuals and property. So, making public records accessible to citizens via the Internet is a powerful way to arm citizens with the tools they need to keep government accountable. At the same time, however, public records also contain a great deal of information about individuals, oftentimes very sensitive, personally-identifiable information.

Ken Boulden is the Clerk of the Peace in New Castle County, DE, and is also a co-chair of the Official Records Administration & Management Interest Group. Like Henderson, Boulden is one of thousands of county clerks charged with preserving vital records in his community. Boulden points out that the Internet has literally redefined the role of county clerks; modern-day clerks are information managers and system administrators, no longer concerned with merely processing paper, they are actively engaged in coordinating processes that have a direct bearing on the lives of their constituents.

"In today's world," Boulden says, "we are still concerned with the creation and preservation of records, regardless of format. While we attempt to provide broader public accessibility to these records, however, and with the advent of the Internet, we now have to be concerned with issues like identity theft, privacy rights, and potential secondary uses of this personal information."

Henderson adds that the misuse of public records can also lead to the potential reduction of public participation in the community.

"People get concerned, and media reports tend to heighten their fears about the possibility that their personal information could be accessed and used by someone for inappropriate purposes," Henderson said. "And these concerns can lead people to choose not to participate in the events that help shape their community, such as elections, simply because they don't want to increase their risk of exposure."

The panel presentation planned for this July is the second in a series that examines the classification of vital records and explores related issues that are of interest to county officials charged with maintaining them. A third session is tentatively planned for the association's legislative conference, which will take place in Washington D.C. in March 2006.

For more information about the vital records panel presentation, please contact

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