

216-RICR-10-10-1.40 Disclosure of Vital Records

A.

Pursuant to R.I. Gen. Laws § 23-3-23, except as provided in § 1.40(E) of this Part, in order to protect the integrity of vital records, to ensure their proper use, and to ensure the efficient and proper administration of the vital records system, no person shall permit inspection of or disclose information contained in a vital record, or copy or issue a copy of all or part of any such record prior to the time a record is determined to be a public record, except to those person(s) or entities listed below:

1. For birth records, the registrant, if over eighteen (18) years of age, the registrant's parent or guardian, grandparent(s), sibling(s), if over eighteen (18) years of age, spouse, civil union or registered domestic partner, issue(s), if over eighteen (18) years of age; or a. Attorneys-at-law, title examiners, or members of legally incorporated genealogical societies, in the conduct of their official duties; orb. Persons requiring information for the determination or protection of a personal or property right; orc. A person who presents to the State or local registrar a court order instructing the registrar to provide disclosure.
2. For all other vital records, the registrant's spouse/partner or registered domestic partner, sibling(s) if over eighteen (18) years of age, parent(s) or guardian(s), grandparent(s), or his/her issue(s) if over eighteen (18) years of age; or a. Attorneys-at-law, title examiners, or members of legally incorporated genealogical societies, in the conduct of their official duties; orb. Persons

requiring information for the determination or protection of a personal or property right; c. A person who has been granted a court order instructing the registrar to provide disclosure; d. A person who can demonstrate to the State or local registrar a legitimate direct and tangible interest in such records. (1) If a request by such person is denied by the local registrar, the person may submit the request to the State Registrar. e. Firms, agencies or individuals that are given approval pursuant to §§ 1.40(B)(4) and/or (5) of this Part.

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Persons requiring information for the determination or protection of a personal or property right; or

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A person who presents to the State or local registrar a court order instructing the registrar to provide disclosure.

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For all other vital records, the registrant's spouse/partner or registered domestic partner, sibling(s) if over eighteen (18) years of age, parent(s) or guardian(s), grandparent(s), or his/her issue(s) if over eighteen (18) years of age; or a. Attorneys-at-law, title examiners, or members of legally incorporated genealogical societies, in the conduct of their official duties; orb. Persons requiring information for the determination or protection of a personal or property right; c. A person who has been granted a court order instructing the registrar to provide disclosure; ord. A person who can demonstrate to the State or local registrar a legitimate direct and tangible interest in such records. (1) If a request by such person is denied by the local registrar, the person may submit the request to the State Registrar. e. Firms, agencies or individuals that are given approval pursuant to §§ 1.40(B)(4) and/or (5) of this Part.

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B.

Research and Administrative Purposes. Except as prohibited in § 1.40(B)(5) of this Part, the Director or his/her designee may authorize, under appropriate privacy safeguards, the disclosure of data contained in vital records for research and administrative purposes to one (1) or more of the following: 1. The National Center for Health Statistics, provided both that the State shall be reimbursed for the cost of furnishing data and that such data shall be used only for statistical purposes by the national office, unless authorized to do otherwise by the State Registrar; or 2. Federal, State, local and other public or private agencies in the conduct of their official duties; or 3. Persons or institutions engaged in research; or 4. With regards to death certificates only, public or private agencies required to determine if an account/policy holder is deceased and such account/policy funds may be subject to being escheated to the State as unclaimed/abandoned property as long as such agencies demonstrate a legitimate direct and tangible interest in the State's death records; or 5. With regards to death certificates only, an agency or firm that seeks to verify Fact of Death and that is approved by the State Registrar through the national Electronic Verification of Vital Events system as long as such agency or firm demonstrates a legitimate direct and tangible interest in the State's death records.

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The National Center for Health Statistics, provided both that the State shall be

reimbursed for the cost of furnishing data and that such data shall be used only for statistical purposes by the national office, unless authorized to do otherwise by the State Registrar; or

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Federal, State, local and other public or private agencies in the conduct of their official duties; or

3.

Persons or institutions engaged in research; or

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With regards to death certificates only, public or private agencies required to determine if an account/policy holder is deceased and such account/policy funds may be subject to being escheated to the State as unclaimed/abandoned property as long as such agencies demonstrate a legitimate direct and tangible interest in the State's death records; or

5.

With regards to death certificates only, an agency or firm that seeks to verify Fact of Death and that is approved by the State Registrar through the national Electronic Verification of Vital Events system as long as such agency or firm demonstrates a legitimate direct and tangible interest in the State's death records.

C.

Disclosure to the parties listed in § 1.40(B) of this Part shall be subject to the following limitations, where applicable: 1. The information disclosed to them shall be used only for the stated purposes; 2. No information from vital records shall be published or disseminated in a form that might permit identification of individuals, corporations, or institutions named or listed in vital records, unless permission of these respondents shall have been independently obtained; 3. No

communications shall be made with individuals, corporations, or institutions named or listed on vital records, or with family members, or with informants or certifying officials, unless approval has been obtained by the Director or his designee; 4. No statement shall be made indicating or suggesting that interpretations drawn from vital records data are those of the Department or of state government.

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D.

Pursuant to R.I. Gen. Laws § 23-3-23(d), the State or local registrar shall not require evidence of a direct and tangible interest in order to disclose information from vital records for vital events which have occurred one hundred (100) years or more prior to disclosure.

E.

Disclosure of Out-of-Wedlock Births. Pursuant to R.I. Gen. Laws § 23-3-23(c), information in vital records indicating that a birth occurred out of wedlock may be disclosed only to one (1) of the following: 1. The mother listed on the certificate; or 2. Persons or agencies who have the written approval of the mother listed on the certificate; or 3. The registrant, if over the age of eighteen (18); or 4. The natural father, if his name appears on the certificate; or 5. A person who presents proof of legal guardianship of a child born out of wedlock; or 6. A person who has been granted a court order instructing the Office to issue a certified copy; or 7. Attorneys or adoption agencies who request certified copies for adoption proceedings; or 8. Attorneys who represent either the registrant, the mother listed on the certificate, or the father, if his name appears on the certificate.

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The natural father, if his name appears on the certificate; or

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A person who presents proof of legal guardianship of a child born out of wedlock; or

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A person who has been granted a court order instructing the Office to issue a certified copy; or

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Attorneys or adoption agencies who request certified copies for adoption proceedings;

or

8.

Attorneys who represent either the registrant, the mother listed on the certificate, or the father, if his name appears on the certificate.

F.

Information indicating that a birth occurred out of wedlock may be disclosed to the following only, according to the indicated restrictions: 1. At the discretion of the State Registrar, Federal, State, county, or municipal agencies charged by law with the duty of detecting or prosecuting crime, preserving the internal security of the United States, or determining citizenship; or 2. With the approval of the Director, public health agencies which demonstrate that failure to disclose such information to them would be detrimental to the registrant or to the administration of a public health program.

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