



RECLAIM THE RECORDS

*cheerfully introducing government archives, agencies,
and libraries to freedom of information laws since 2015*

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February 10, 2026

Senator Liz Krueger
Senator Thomas F. O'Mara
Standing Committee on Finance
New York State Senate

Assemblyman J. Gary Pretlow
Assemblyman Edward P. Ra
Standing Committee on Ways and Means
New York State Assembly

RE:State Operations Budget - Vital Records Program, FY 2027 New York Executive Budget

Dear Chair Krueger, Chair Pretlow, Ranking Member O'Mara and Ranking Member Ra:

We write today as Reclaim The Records, a not-for-profit activist group of several thousand genealogists, historians, researchers, teachers, and journalists. We work to identify important historical and genealogical records and databases that may be held in government archives, agencies, and libraries which are often not broadly or freely available to the public. We then leverage both state and federal Freedom of Information laws to make formal requests to these government repositories, in order to secure copies of these records, which we then digitize and put online for free public use. Other organizations and companies, as well as individual researchers, are then free to reuse any of the data without restrictions, or to make transcriptions and searchable databases of the images and data, if they wish.

We express our **support** for the \$7 million appropriated in the FY 2027 state operation budget “for services and expenses related to the vital records program.” The language of the budget is generic when it comes to the vital records improvements with explanatory language in various budget documents and the Health Commissioner’s testimony. While we support any effort to digitize historical vital records and resolve the multi-year backlogs for genealogy requests, we remain concerned about the Department of Health and its Bureau of Vital Records willingness to truly make historical vital records available to the citizens of New York State and the wider public.

The Importance of Vital Records Access

New York State vital records—birth, marriage, and death certificates—are indispensable for genealogists, historians, journalists and legal professionals as well as for individuals seeking to understand their families, communities, and the actions of their government. Vital records are not merely historical artifacts; they continue to serve multiple purposes that can greatly impact people’s lives today. This includes:

Genealogical and Historical Research

Researchers and historians require access to birth, marriage, and death records to analyze demographic trends, study social history, and uncover forgotten narratives. Public records are the foundation of historical inquiry. In many cases, vital records are the only surviving documents that acknowledge the existence of marginalized groups who were often excluded from the historical record. Formerly enslaved individuals, for instance, often lacked official birth or census records, making vital records the primary source of documentation regarding their identities and origins. Similarly, poor and working-class individuals, particularly in immigrant communities, frequently left few detailed records beyond birth, marriage, and death certificates.

Preservation of Legal Rights

Access to vital records is necessary for legal matters such as probate and administration of estates, property rights, insurance claims, and citizenship applications. Severely delayed access creates legal and financial barriers to citizens who look to exercise their rights in these matters.

Investigative Journalism and Public Policy Research

Journalists rely on vital records and historical data to investigate public health policies, demographic changes, and systemic abuse. Blocking access to these records prevents investigative reporting and curtails the ability of watchdog organizations. This is particularly significant in cases where historical death certificates have exposed mistreatment in mental health institutions, as they often serve as the only accessible documentation of patients who were subjected to neglect, abuse, and inhumane conditions. Maintaining the status quo of multi-year waits to receive documents creates an unnecessary layer of bureaucracy and shields public agencies from legitimate oversight.

Where New York State Vital Records Access Stands Today

We were grateful that the New York State Legislature last year stood up against and successfully eliminated Part U from the FY 2026 Article VII Health legislation, which would have seen embargo periods of 125 years for birth records, 100 years for marriage records, and 75 years for death records as well as raised the cost of genealogical records from \$22 to \$95.

All of the existing problems noted last year with timely access to records have continued. The backlog of genealogy requests, which stood at 11,000 requests in 2025, is today at 12,000 requests, with requesters still waiting more than five years, by far the worst performance of any jurisdiction in the United States. The FY 2027 proposal allocates more resources to help digitize the original records and fulfill both standard and genealogy requests but there is no pathway for those scans of records to become public. What's needed is a bold plan that takes a fundamental look at the entire system.

Overhaul of New York's Laws on Vital Records Access

New York's current vital records laws are among the most restrictive in the country, making it significantly harder for the public to access important historical and legal documents than in nearly every other state. Many assume that vital records, especially death records, are open to the public,

but that is not the case in New York. Certified copies are only available to a very narrow set of individuals, often requiring court orders even for direct descendants. In contrast, in most other states, descendants and extended family members can obtain certified copies without issue. Access to certified copies of birth and marriage certificates is even more restrictive, with essentially the only entitled parties being those named on the records - even if they are long deceased.

How do other states provide the public with access to public records? Many states allow unrestricted access to certified vital records after a certain period, ranging from immediate access (such as in California and Massachusetts) to access after 25 or 50 years. Some states, such as New Jersey and Minnesota, have frameworks that allow anyone to request uncertified copies for research purposes, ensuring broad access while still maintaining more stringent rules for certified documents.

Many more states, such as Massachusetts, Pennsylvania, Maryland, Virginia, and Tennessee, transfer older vital records to state archives, where they become public records available for free or at low cost. New York State has no such process, meaning that these important historical documents—dating back to the 1880s—remain locked away indefinitely. Even New York City has a better system, with birth records before 1910 and marriage and death records before 1951 housed at the Municipal Archives and available online. The rest of the state should follow suit.

Public indexes help everyone. Many states, including Texas, Virginia, New Jersey, Oklahoma, and Wisconsin, mandate the publication of indexes. Others, such as Maine or California, have a statutory scheme to provide researchers with special access. Without indexes, researchers and genealogists are forced to submit blind requests, leading to increased costs and wasting the time of officials who look for records that are not on file.

Additionally, being able to independently verify if someone exists through marriage and death indexes reduces rates of fraud, contrary to the claims of many health departments. New York State at long last has a public death index up until 2017, due to the case that Reclaim The Records won in May 2025 before the New York State Court of Appeals.

A full rewrite of New York's laws for vital records access is long overdue. The current system is outdated, overly restrictive, and hostile to public access. Rather than making access even harder, the state should be working to align its policies with national best practices by allowing open access to historical records, transferring older documents to archives, digitizing and publishing records online, and ensuring that indexes remain available for research.

The Legislature passed Senate Bill 7782-A in 2025, which would have required the creation of an online database of historical vital records that was unfortunately vetoed by Governor Hochul. While the allocation of \$7 million to vital records digitization and process improvements is a step in the right direction, we urge the Legislature to continue advocating for an appropriate online repository of digitized vital records, ideally in conjunction with the New York State Archives.

Sincerely,

Reclaim The Records