

**Birth, Marriages and Death are not public records**, unless they reach a certain period of time.

Under the Revised Vital Statistics Code §16-5-1 et seq. county indexes of birth and death are still public records-anyone can view them, but not make them available electronically to the public either by magnetic or optical media storage or over the internet.

**Access to Certify copies of Vital Records:**

A. Time Lines in Effect Before Full Access Allowed - Full access to copies of the legal portions' of vital records by members of the general public is allowed after set time lines. The new code revision 16-5-27 (d) states that: When one hundred years have elapsed after the date of birth, or fifty years have elapsed after the date of death, marriage, or divorce or annulment, the records of these events in the custody of the State Registrar and local custodians shall, become available to the public without restriction unless otherwise prohibited or restricted by law, except for the release of social security numbers recorded on certificates or reports of birth, marriage, fetal death, or divorce, in accordance with legislative rule; Provided, That confidential information contained in the "Information for Medical and Health Use Only" section of the certificate of birth or report of fetal death shall never become available to the public".

B. Restricted Access to Vital Records- For those birth records that are less than 100 years old and for those death, fetal death, and marriages records less than 50 years old, access is restricted as follow according to the new code revision 16-5-16(a) and current Rule 64 CSR 32-1.1 (a), which each state, respectively:

"(a) The State Registrar and other custodians of vital records authorized to issue certified copies shall upon receipt of an application, Issue a certified copy of a vital record in his or her custody to the registrant, his or her parents, spouse, adult children, grandchildren or great-grandchildren, legal guardian, or their respective authorized representative. Other may be authorized to obtain certified copies when they demonstrate that the record is needed for the determination or protection of his or her personal or property right. The department may promulgate rules to further define who may obtain copies of vital record filled under this article." and,

(a) the state registrar shall permit the inspection of a record, or Issue a certified copy of a record, or part thereof, only when he is satisfied that the applicant therefore is a person or entity having a direct and tangible interest in the content of the record and that the information contained therein is necessary for the determination of a personal or property right.

(1) In the case of birth records, the registrant, a member of his immediate family, his guardian, or their respective legal representative shall be considered to have a direct and tangible interest. In the case of a death or fatal death record, a surviving relative, or his legal representative shall be considered to have a direct and tangible interest. In the case of marriage and divorce records, the parties married, their adult children or their legal representatives shall be considered to have a direct and tangible interest.

(2) For the purpose of securing and obtaining certified copies of vital records, the term "legal representative" shall include an attorney, physician, funeral director, insurance company, or an authorized agency acting in behalf of the registrant or his family.

(3) For the purpose of securing and obtaining data from vital records, the natural parents of adopted children, in the absence of a court order, and commercial firms or agencies requesting listings of names and addresses shall not be considered to have a direct and tangible interest.