

# Submission form

## Contact details

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## Summary of proposals

1. The Department's proposals reflect two complementary drivers. First, users' expectations about how they access BDM information have changed since the access provisions were introduced in 2009. Second, enabling citizens to interact easily with government in a digital environment is a key Government Better Public Services target.
2. In the short to medium term, subject to existing legislative, systems, and technological constraints, the Department will investigate options for enhancing existing online services (eg, improved search functionality). Ultimately, the Department would like to facilitate access to BDM information via an all-of-BDM Internet-based search, pay-for-view, and records access and ordering facility, without compromising individual privacy and security interests.
3. Alongside the specific amendments to the access provisions detailed below, the Department wants to remove remaining legislative barriers to digital and online services (eg, by making language and delivery channels medium-neutral). This will support future enhancements for all BDM services, not just access to BDM information.

## The Department proposes to—

### *General access rules*

- Add historical and non-historical BDM indexes, but not full non-historical records, to the BDM information that can be searched online (some information may be behind a paywall);
- Authorise unedited historical register images to be made available online (behind a paywall);
- Provide online access to BDM information (beyond an initial high level search) would be subject to evidence of identity established via a RealMe ID, or through another future solution that would enable a verified identity to be asserted online; and
- Allow a user with a verified identity to order a certificate or printout for a non-historical record online.

<b>Do you support the proposals?</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<b>Please use this space for any additional comments:</b> I agree with points 1, 2 and 4, but I presume (and hope) that evidence of identity would only be needed for non-historical information.		

### *Historical and non-historical information*

- Reduce the time limit that defines historical marriage and civil union information from 80 years to 75 years; and
- Align rules for access to birth information (including information that could be made available through digital and online channels in future) based on when a death record becomes available.

<b>Do you support the proposals?</b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<b>Please use this space for any additional comments:</b>		

### *Source documents*

- Classify Intention to Marry books as marriage registers, and authorise access in the same way, and subject to the same rules, as apply to solemnised marriage records.

<b>Do you support the proposal?</b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<b>Please use this space for any additional comments:</b> But see my comment on this at the end.		

## **Remaining access provisions**

### *Access register; non-disclosure directions; research purposes; disclosure of death information*

The Department has no specific proposals. We consider the current rules are appropriate and are working well; the individual privacy and security protections they provide will be integral in the context of the proposed new digital and online access channels.

<b>Do you—</b>	Agree? <input type="checkbox"/>	Disagree? <input type="checkbox"/>
<b>Please use this space for any additional comments:</b> See my comments in the next section.		

## If you want to comment on any other matter related to the access provisions ...

### ... please use this space for your submission:

On the whole, I think many good ideas have been put forward in this document, and welcome the greater accessibility proposed for historical records. I particularly like the idea of being able to access historical records online, and would welcome platform that allows greater flexibility in searching. It would also be great to be able to see scans of the original record. Linking the lifting of the embargo on a person's birth record to the registration of their death would also be very helpful.

There are a few areas that I would like to comment on more fully:

#### Named person rule

While I think that this is good in the case of non-historical records, I am not sure why it is important for historical records. I cannot see what harm "large scale profiling and data mining" would do when the information relates to people who have died and privacy is no longer of great importance. It could be very useful in historical research to, for example, be able to find everyone who died of influenza at a certain time and place; or all children born in a locality between certain years. It would also mean that scans of original documents could be uploaded without costly and time consuming editing.

#### Illegitimacy and adoption

I am not sure why it is important that the word "illegitimate" and information relating to adoptions be redacted from historical records. If the individual concerned and their parents are dead, whose privacy is compromised by this information, which is often of great interest to researchers? Again, if records did not need to be edited they could be uploads quickly and cheaply.

#### #32 – Making images of historical records available online

Firstly, if the named person rule did not apply to historical records, and records relating to illegitimacy and adoption were not removed, it would be much simpler to upload records.

Secondly, could volunteers be recruited to help with this work? Members of the genealogical community may well be willing.

Finally, the comment is made that the cost could not be justified given the number of requests for access to historical BDM records. I would suggest that is because currently the cost of accessing BDM records is prohibitive to many, and if this were reduced there would be many more requests would be made.

#### #32 and #33-35 seem to contradict each other

"The Department considers the risk of misuse of historical information (eg, for identity fraud) is very low." This statement seems to contradict everything already stated about limiting access to historical records through the named person rule and the need for records to be "clean".

#### Charging for information provided online

Reluctantly I agree that it is reasonable to put details of historical records behind a paywall, but only for cost recovery purposes. (I do not consider that the government owns this information, and so it has no right to charge for it.) I would urge that this cost be kept to a minimum – not only because the records should be as readily accessible to all New Zealanders as possible, but also because the more the records are used the lower the cost-per-record becomes. It should also be possible to apply for a fee waiver to genuine research that is "in the public interest" – academic study for example.

#### Source documents

One reason for not requesting access to source documents is that they are not legally accessible! The Dunedin branch of Archives New Zealand holds some historical source information, but they are not allowed to make it accessible to the public. Were it accessible I would have requested it. Once again I would question why such historical records should not be accessible – the risk of misuse being negligible. In my research as a post grad history student, I would have found these documents invaluable. They could have been provided at no cost (or, at least at no more cost than the rest of the material held at Archive New Zealand, which is provided to the public free of charge). The cost to obtain the information I needed through official records was utterly prohibitive, running to tens of thousands of dollars.

I am not sure why access to source information would compromise the integrity of the register. The legally accepted proof of a birth, death or marriage record is an official certificate. Information gained from any other source would not have this standing, in the same way BDM information can be obtained from historical newspapers, but it is not considered to be official. If the concern is that the information on the register might not be the same as in the source documents, this is all the more reason why people need to be able to access the source documents and ensure that the register is accurate.

#### Intentions to marry

I agree that ItMs are an anomaly that should be brought into line with other BDM records. However, for the same reason that I oppose other historical source documents being restricted, I hope that open access to the original historical ItMs will remain.

#### Access for research purposes

If the database could be search on all fields (rather than just name) it would go a long way to making information available in a useful form for research. As I have already noted, a fee waiver would also greatly help bona fide researchers. negligible. In my research as a post grad history student, I would have found these documents invaluable. They could have been provided at no cost (or, at least at no more cost than the rest of the material held at Archive New Zealand, which is provided to the public free of charge). The cost to obtain the information I needed through official records was utterly prohibitive, running to tens of thousands of dollars.

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