



October 14, 2020

Assistant Commissioner Kenneth R. Cobb,  
Department of Records & Information Services,  
City of New York  
31 Chambers Street, Suite 305,  
New York, N.Y. 10007

Re: Proposed Rules Relating to Municipal Archives and Municipal Reference Library

The International Association of Jewish Genealogical Societies (IAJGS) is writing to express its deep concern with certain provisions of the Department of Records & Information Services (DORIS) proposal to update rules for access to Municipal Archives, Library materials in general, and guidelines for access to special collections. We are aware of the current financial issues facing New York City as a result of the Coronavirus pandemic and are empathetic to the City's need for revenue. We do not have an issue with the proposed fee increases for copies of vital records. However, we are totally opposed to **licensing public records for educational, scholarly, non-profit and media use that were created predominately at taxpayer expense!**

We are not aware of any other jurisdiction in the United States that has taken such egregious action as trying to license public records. The New York City DORIS has the honored and privileged responsibility for assuring that historical public records, which include early colonial records, deeds, mortgage, minutes, vital records, photographs, and maps, be available to the public. These documents are important for those who are in family history research and are of historic and cultural value to those who have roots in New York City, which is probably the one jurisdiction to which millions of people have some connection. Many of our immigrant ancestors arrived in the City and either made the City their home permanently or stayed for a period of time.

While your "intent" may not be to apply your proposed rule for genealogists, there is no such written statement in the proposed rules and we can only legally address what is in the written proposed rules. As currently written, the general statement limits genealogists, historians, biographers, and other researchers from sharing or publishing these records with others unless separate licensing approvals are obtained and fees are paid. If DORIS's intent was not to include such records, then a revised, **written proposed rule needs to be published with a different end date for comments and hearing. Waiting until the final regulation appears is not acceptable.**

The proposed regulation requires a licensing fee if someone includes a vital record or photograph in a presentation at a conference, genealogy society program, online family tree, journal article or even sharing the information with family and/or colleagues or clients if one is a professional genealogist. If a genealogist shared the record with family, and included it in a written article and placed it in an online family tree that means three licenses and three different fees above the original purchase fee. If someone needed a record for research and needed to share the record with 50 colleagues, then your proposed rule requires the researcher to pay for 50 additional copies. Your proposed regulation strikes at the heart of genealogical research for no reason other than placing obstacles in the way of legitimate users.

As genealogists, whether professional or hobbyist, sharing information is what we do with our family and clients. The proposed licensing fee is neither appropriate nor necessary. It is just **WRONG!**

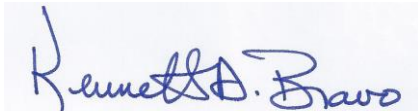
We would be pleased to discuss the issue with you. Please contact Jan Meisels Allen at the email or phone number listed below.

IAJGS is a sponsoring member of the Records Preservation and Access Coalition, and supports the written comments submitted on behalf of Records Preservation and Access Coalition.

The International Association of Jewish Genealogical Societies is the umbrella organization of 93 genealogical societies and Jewish historical societies worldwide whose approximately 9,000 members are actively researching their Jewish roots. We have 5-member societies domiciled in the New York City -Long Island area and a total of 8 in the greater NYC area. The IAJGS was formed in 1988 to advance genealogical study, to elevate research standards and to provide a common voice for issues of significance to its members. Our societies' members include both professional and hobbyist genealogists. In 2020, we held our 40th consecutive annual International Conference on Jewish Genealogy ([www.iajgs.org](http://www.iajgs.org)). One of our primary objectives is to promote public access to genealogically-relevant records.

Thank you for your consideration of our concerns and comments.

If we can be of any assistance to the deliberations please feel free to contact Jan Meisels Allen at the email address below.



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cc: Jimmy Van Bramer (<https://council.nyc.gov/district-26/>)