TITLE 174  VITAL RECORDS

CHAPTER 3  VIEWING AND RELEASE OF VITAL RECORDS

001. SCOPE. These regulations govern access to and release of birth, death, marriage, and dissolution of marriage certificates under Nebraska Revised Statutes (Neb. Rev. Stat.) §§ 71-612(1), (6), (7), and (8) and 71-602(2).

002. DEFINITIONS. The definitions of Neb. Rev. Stat. § 71-601.01 and this chapter apply.

002.01 APPLICANT. A person requesting a certified copy, seeking to view a certificate, or requesting to view confidential information.

002.02 APPLICATION. A request for a record in writing containing information required by the Department.

002.03 CERTIFIED COPY. A certificate certified by the Department as provided by law.

002.04 LEGAL REPRESENTATIVE. The registrant's attorney, legal guardian or conservator, custodian, personal representative, executor, or executrix of the registrant's estate or other person showing lawful authority to act on the registrant’s behalf.

002.05 PROOF OF IDENTITY. Documentation issued by a federal, state, or local political subdivision, corporation, or other entity, that contains the applicant’s photograph, facts identifying the applicant, or other documentary evidence establishing identity.

002.06 PROOF OF QUALIFICATION. Written documentation establishing the credentials or authority of the applicant or facts required by these regulations to demonstrate a proper purpose.

002.07 REGISTRANT. The individual who is the subject of the vital record.

002.08 RESEARCH. A Systematic statistical study, conforming to or in accordance with generally accepted medical or scientific standards or principles, designed to develop or contribute to medical or scientific knowledge, and which does not identify the persons in the study.
003.  VIEWING COPIES OF CERTIFICATES. Applicants who wish to view a copy of a certificate may do so in the Department’s office upon payment of the statutory fee.

003.01 CONTENTS OF VIEWING COPIES. Viewing copies will be stamped “NOT A LEGAL DOCUMENT – FOR REVIEW ONLY” and will not include social security numbers, information contained in the portion of the certificate titled “medical or health information” or “information for statistical purposes only,” or other statistical information not registering the vital event itself.

003.02 USE OF VIEWING COPIES. Copies may not be removed from the area provided for viewing, photocopied, photographed or electronically stored on any device, or otherwise reproduced by applicants. Copies must be returned to the Department before the applicant leaves the viewing area. Applicants may make and retain notes on the certificate’s contents.

004.  CERTIFIED COPIES FOR APPLICANTS FOR ANY PROPER PURPOSE. Applicants for any proper purpose as defined in this chapter may obtain a certified copy of a birth, death, marriage, or dissolution of marriage record, except as otherwise provided by law or court order, upon approval of their application by the Department and payment of the statutory fee for each certified copy or search for a certified copy, whether or not the record is found, unless exempt from payment by law.

004.01 APPLICATIONS. Applications may be made in person or by mail or electronic means approved by the Department. Applicants must:

(A) Furnish sufficient information for the Department to locate and identify each certified copy requested;
(B) Provide the applicant’s name, address, telephone number, and proof of identity. More than 1 document proving identity may be required;
(C) Describe the purpose for each certified copy requested and provide proof satisfactory to the Department that the request is for a proper purpose as defined in this chapter; and
(D) If the applicant is involved in medical, scientific, law enforcement, government, genealogical, or historical research, provide the name of any entity that the applicant represents; the name of the principal investigator, if other than the applicant; the applicant’s qualifications, if appropriate; the location where the research will take place; and the means by which the research will take place.

004.02 SUPPLEMENTAL INFORMATION. Supplemental information may be accepted over the phone except when documentation is required and a record of such will be made by the Department.

004.03 BURDEN OF PROOF. Applicants have the burden of proving to the Department that a proper purpose exists. An application may be denied when, upon review of the application and the documentation provided by the applicant or the Department’s independent verification of some or all information or proof supplied by the applicant, the Department finds that:

(A) The reason for which the record is sought is not a proper purpose as defined in this chapter;
(B) An applicant cannot show proof of identity;
(C) Information or documentation provided by the applicant is incomplete;
(D) The certificate or record requested is confidential, sealed, or protected by statute or court order;
(E) Information or documentation provided by the applicant does not provide the proof necessary for release for a proper purpose; and
(F) There is reason to believe that an applicant has provided inaccurate or false information.

005. PROPER PURPOSE. Proper purpose includes the following circumstances in this section.

005.01 PERSONAL USE. Personal use by registrants of their own certificate, or the registrants’ spouse, child, or parent with proof of the requestor’s relationship with the registrant.

005.02 LEGAL USE. Use by a registrant’s legal representative of a certificate for a legal purpose that requires documentation of a vital event to obtain a legal right or privilege. A legal purpose includes, but is not limited to, the following:
(A) Establishing the fact of death or identity in a probate or estate action;
(B) Transferring title to a motor vehicle or other personal or real property;
(C) Obtaining government documents such as a driver's license, identification card, social security, passports, or other state or federal licenses, benefits, or certificates;
(D) Obtaining admission to school;
(E) Establishing a legal relationship with another person or property right, such as an inheritance, insurance, or dependency benefit; and
(F) Providing a copy of a certificate of birth resulting in stillbirth to the parent(s) as listed on the fetal death record.

005.03 CONSENSUAL USE. Use upon submission by the applicant of the notarized written consent of the registrant, or the parent or guardian of a minor registrant, to obtain the certificate.

005.04 SCIENTIFIC OR MEDICAL USE. Use by a researcher employed by a research organization, institution of higher education, institution, or government agency, higher education student, or self-employed researcher conducting scientific, medical, or public health research of a certificate, so long as there is no publication or disclosure of names or facts leading to the identity of any person included in the certificate.

005.05 LAW ENFORCEMENT USE. Use of a certificate by an employee of an agency of the federal government, state government, or political subdivision of the state, charged by law with the duty of detecting or prosecuting crime, enforcing child support, or establishing paternity.

005.06 GENEALOGICAL USE. Use of a certificate by a person engaged in genealogical research when the person whose certificate is requested has been deceased for 50 or more years, or with the written consent and proof of relationship of the registrant’s spouse, parent, child or grandchild in the case of registrants who are alive or have been deceased for less than 50 years.
005.07 **HISTORICAL RESEARCH.** Use by a historical researcher of a certificate upon proof that:

(A) Applicant possesses academic credentials as a historian from, or is currently pursuing a course of study in history in an accredited institution of higher education or nationally-recognized organization;

(B) Applicant is engaged in a historical research project; and

(C) Each certificate requested is relevant to the project.

005.08 **GOVERNMENTAL USE.** Use of a certificate by employees of federal, state, or political subdivision government agencies for statistical purposes, disease control or prevention, health-related record keeping, and record keeping required by the agency in the course of its official duties.

005.09 **MEDIA USE.** Use of a certificate by employees of a newspaper, magazine, radio, or television station for the purpose of reporting news to the public.

005.10 **FUNERAL HOME USE.** Use of a death certificate by employees of a funeral home, for certified copies to be provided for decedents’ families. The request can be made up to one year from the file date of the death record.

006. **RELEASE OF CONFIDENTIAL INFORMATION TO APPROVED RESEARCHERS.** Researchers may be provided with confidential information as described in Neb. Rev. Stat. § 71-602(2) upon approval of an application as provided in this section or an application made pursuant to the terms of an agreement between the Department and a government health agency to which the Department releases such information under the authority of Neb. Rev. Stat. § 71-602(2).

006.01 **APPLICATION.** Applicants must submit:

(A) The qualifications of the applicant and the primary researcher;

(B) The purpose of the research project and anticipated time of completion;

(C) Location where the research will take place and the resources available to the applicant to carry out the project;

(D) The funding resource for the project;

(E) The specific data being requested and the use of that data;

(F) Description of the measures being taken to secure the data and maintain the confidentiality of the data;

(G) How the data will be disposed of at the end of the project; and

(H) If an Institution’s Review Board approved the research, a copy of the approval must be provided.

006.02 **DATA PROVIDED.** The Department has discretion as to whether data is provided, the scope of any data provided, and the terms and conditions under which data may be used by the applicant.