



J. Patrick O'Neal, M.D., Commissioner | Nathan Deal, Governor

2 Peachtree Street NW, 15th Floor  
Atlanta, Georgia 30303-3142  
dph.ga.gov

September 11, 2018

**NOTICE OF PROPOSED RULEMAKING**  
**Public Health Regulation 511-1-3-.33**  
**“Disclosure of Vital Records and Information”**

Please take note that the Department of Public Health proposes to revise its regulation regarding the disclosure of vital records, including the issuance of certified copies of vital records, and information contained in vital records. The proposed revision is intended to simplify and clarify the rules for such disclosures, including the persons entitled to copies of vital records, and to reflect changes made to Code Section 19-7-46.1. This action is taken by the Department of Public Health pursuant to its authority under O.C.G.A. Sections 31-2A-6 and 31-10-3.

Interested persons may submit comments on these proposed revisions in writing addressed to:

Kristin L. Miller  
General Counsel  
Georgia Department of Public Health  
2 Peachtree Street, NW, 15<sup>th</sup> Floor  
Atlanta, GA 30303

Comment may also be presented in person at a public meeting scheduled for 10:00 a.m. on October 11, 2018, in room 9-260, “Adina’s Room,” at 2 Peachtree Street, NW, Atlanta, Georgia 30303.

A handwritten signature in blue ink, appearing to read 'Kristin L. Miller', written over a horizontal line.

Kristin L. Miller  
General Counsel  
Georgia Department of Public Health

# RULES OF THE DEPARTMENT OF PUBLIC HEALTH

## CHAPTER 511-1-3 Vital Records

### 511-1-3-.33 Disclosure of Vital Records and Information.

- (1) Copies of vital records maintained by the Office of Vital Records, and information contained in such vital records, shall not be disclosed except as permitted by
  - (a) Chapter 10 of Title 31;
  - (b) Code Section 19-7-46.1;
  - (c) the rules of the Department; or
  - (d) as directed by court order.

A vital record shall not be disclosed pursuant to subpoena or civil discovery request unless the requesting party demonstrates its right to the record under this Rule.

- (2) For purposes of this Rule, the term **certified copy** means a copy of a vital record printed on colored stock and bearing the raised seal of the State Registrar. A person entitled to have a plain paper copy of a vital record may request that the copy be certified in accordance with Code Sections 24-9-920 and 24-8-803(9).
- (3) A certified copy of a birth certificate may be issued only to the following persons or their legal representatives:
  - (a) The person whose birth is recorded on the certificate;
  - (b) A parent of such person, except as provided in subsection (4) below;
  - (c) A grandparent of such person;
  - (d) An adult brother or sister of such person;
  - (e) An adult child of such person;
  - (f) The living legal spouse of such person;
  - (g) A person who has been appointed, or who has applied in good faith to become, a legal guardian of such person; or
  - (h) A person who demonstrates that a certified copy of the birth certificate is needed to establish a legal right or claim.

A plain paper copy of a birth certificate may be issued only to a person entitled to receive a certified copy; provided, however, that if the birth occurred more than one hundred years before the date of request, a plain paper copy may be provided to any person.

- (4) A natural parent of an adopted child with no legal right to custody may not have access to the child's birth records except upon court order.
- (5) A certified copy of a death or spontaneous fetal death certificate may be issued only to the following persons or their legal representatives:



- (a) A child, parent, legal living spouse, or other next of kin of the decedent;
- (b) A person who has been appointed, or who has applied in good faith to become, the executor or administrator of the decedent's estate; or
- (c) A person who demonstrates that a certified copy of the death certificate is needed to establish a legal right or claim.

A plain paper copy of a death certificate showing cause of death may be issued to any person; provided, however, that the decedent's Social Security number shall be redacted.

- (6) A certified copy of a voluntary acknowledgment of paternity, or a certified copy of a voluntary acknowledgment of legitimation executed prior to 1 July 2016, may be issued only to the following persons or their legal representatives:
  - (a) Either of the persons who signed the acknowledgment;
  - (b) The person whose paternity or legitimation was acknowledged, if she or she is at least 18 years of age;
  - (c) A person who has been appointed, or who has applied in good faith to become, a legal guardian or custodian of the person whose paternity or legitimation was acknowledged;
  - (d) A living legal spouse or next of kin of the person whose paternity or legitimation was acknowledged;
  - (e) An attorney who demonstrates that the certificate is needed for purposes of legal investigation on behalf of a client; or
  - (f) A licensed child-placing agency that demonstrates that the certificate is needed for official purposes.

A plain paper copy of a voluntary acknowledgement of paternity, or a voluntary acknowledgement of legitimation executed prior to 1 July 2016, may be issued only to a person entitled to receive a certified copy.

- (7) The State Registrar, in his or her reasonable discretion, may disclose information from Vital Records for statistical or research purposes, subject to such conditions as the State Registrar may impose, including without limitation a written agreement to maintain the confidentiality of the information so disclosed.
- (8) The State Registrar may provide copies of or disclose information from Vital Records to authorized representatives of Federal, State or County agencies who request such data in the conduct of their official duties.
- (9) The State Registrar or local custodian shall not issue a copy of a vital record, or information contained in vital records, until a signed application has been received with the appropriate fee. To determine an applicant's right to information from a vital record, the State Registrar or local registrar may request additional information from the applicant, including without limitation proof of the applicant's identity or a sworn statement.
- (10) Information contained in the "Information for Medical and Health Use Only" section on a birth certificate or spontaneous fetal death certificate, or the "Information for Statistical Purpose Only" section of the certificate of marriage or report of divorce, dissolution of marriage, or annulment, shall not be disclosed unless specifically authorized by the State Registrar for statistical or research purposes or upon court order.

Authority: O.C.G.A. §§ 31-2A-6, 31-10-3, 31-10-25, 31-10-26; 2007 Op. Att'y Gen. No. 2007-4.