

COMMITTEE FOR FINANCE AND PERSONNEL

**Report on the
Civil Registration
Bill (NIA 20/07)**

**Together with the Minutes of Proceedings of the Committee
relating to the Report, written submissions,
memoranda and the Minutes of Evidence**

Ordered by The Committee for Finance and Personnel to be printed 18 March 2009

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**Committee for Finance and Personnel
Membership and Powers**

Powers

The Committee for Finance and Personnel is a Statutory Departmental Committee established in accordance with paragraphs 8 and 9 of the Belfast Agreement, Section 29 of the Northern Ireland Act 1998 and under Assembly Standing Order 48. The Committee has a scrutiny, policy development and consultation role with respect to the Department of Finance and Personnel and has a role in the initiation of legislation.

The Committee has the power to:

- consider and advise on Departmental budgets and annual plans in the context of the overall budget allocation;
- approve relevant secondary legislation and take the Committee Stage of primary legislation;
- call for persons and papers;
- initiate inquiries and make reports; and
- consider and advise on matters brought to the Committee by the Minister of Finance and Personnel.

Membership

The Committee has eleven members, including a Chairperson and Deputy Chairperson, with a quorum of five members.

The membership of the Committee since its establishment on 9 May 2007 has been as follows:

Mr Mitchel McLaughlin (Chairperson)
Mr Simon Hamilton (Deputy Chairperson)

Dr Stephen Farry Mr Fra McCann
Ms Jennifer McCann Mr David McNarry**
Mr Adrian McQuillan Mr Declan O'Loan
Mr Ian Paisley Jnr* Ms Dawn Purvis
Mr Peter Weir

* Mr Ian Paisley Jnr replaced Mr Mervyn Storey on the Committee on 30 June 2008

** Mr David McNarry replaced Mr Roy Beggs on 29 September 2008

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List of Abbreviations and Acronyms used in the Report

APGI	Association of Professional Genealogists in Ireland
CIGO	Council of Irish Genealogical Organisations
DALO	Departmental Assembly Liaison Officer
DFP	Department of Finance and Personnel
DRO	District Registration Offices
DUP	Democratic Unionist Party
EQIA	Equality Impact Assessment
FCO	Foreign and Commonwealth Office

GRO	General Register Office (Northern Ireland)
GROI	General Register Office of Ireland
GRONI	General Register Office of Northern Ireland
ISO	International Organisation for Standardisation
LDS	Latter-day Saints (Church of Jesus Christ of Latter-day Saints)
MLA	Member of the Legislative Assembly
NI	Northern Ireland
NIO	Northern Ireland Office
NISRA	Northern Ireland Statistics and Research Agency
TSN	Targeting Social Need
UK	United Kingdom
USA	United States of America

Executive Summary

Executive Summary

Civil registration secures and protects basic human rights in Northern Ireland, in terms of providing individuals with a name and identity within society, facilitating marriage and civil partnership and verifying parentage and entitlement to inheritance. The records, which date back to the middle of the nineteenth century, also provide a key source for historical and genealogical research as well as valuable statistical information for medical and social research. The Civil Registration Bill aims to provide a more flexible legislative framework for civil registration, which will facilitate improved service delivery, better access to services and information as well as the introduction of new and more responsive services.

The Bill, which was introduced to the Assembly by the Minister of Finance and Personnel on 17 June 2008, comprises 31 clauses and two schedules. Following its Second Stage in the Assembly on 1 July 2008, the Bill was referred to the Committee for Finance and Personnel for Committee Stage. As part of its consideration of the Bill, the Committee issued a call for evidence and received a written submission from the Foreign and Commonwealth Office (FCO) and took oral and written evidence from the Council of Irish Genealogical Organisations (CIGO) and the Association of Professional Genealogists in Ireland (APGI).

During its scrutiny, the Committee made a detailed analysis of the issues arising from the evidence and sought responses from DFP to each of the concerns raised by witnesses and to additional queries which the Committee itself raised. The Department provided a series of follow up written responses in addition to oral briefing, and the Committee is generally satisfied that the key issues have been addressed. However, the Committee will wish to continue to pursue and monitor a number of policy and administrative issues, including in relation to accessing information and data security. The evidence presented to the Committee and the responses provided by the Department are included in the appendices to this report.

This report reflects the outcome of the Committee Stage deliberations. It includes a range of key conclusions and recommendations and reflects a number of assurances and commitments given by the Department, which will enhance the civil registration service and help to address the issues raised in the evidence, including concerns raised by representatives of professional genealogical organisations.

Key Conclusions and Recommendations

1. The Committee supports the provisions in the Bill, which will provide a more flexible legislative framework for civil registration, with the aim of improved service delivery, better access to services and information as well as introducing new and more responsive services. (Paragraph 11)
2. The Committee welcomes the Department's commitment to give further consideration, when drafting the new regulations, to the proposal to extend the data recorded in death registrations to include the names of the parents of the deceased. The Committee recognises that this measure would benefit genealogical research and would bring Northern Ireland into line with RoI and Scotland in this regard. As such, the Committee looks forward to considering the new regulations in due course. (Paragraph 15)
3. The Committee notes the concerns of CIGO and APGI in relation to the provision in the Bill, including in clause 13, which gives the Department the power to extend "the relevant periods" for access to civil registration records. While accepting the Department's argument that there is a need for flexibility in the future in this regard, the Committee is, nonetheless, reassured by the fact that any future changes to the periods stated in the Bill will require subordinate legislation, which will be subject to scrutiny by the Committee. (Paragraph 19)
4. On the basis of the confirmation subsequently provided by the Department, that the Registrar General has no power in the legislation to amend records held by FCO missions overseas, the Committee is content with clause 14. (Paragraph 22)
5. The Committee acknowledges that the clarification and assurances which the Department provided during Committee Stage has helped to allay initial concerns raised by witnesses around the potential for some provisions in the Bill to restrict access to registration data. (Paragraph 24)
6. The Committee welcomes the confirmation from the Department that the GRO in NI will have sole responsibility for the maintenance of the "Record of Northern Ireland Connections", as provided for in clause 27, and that there will therefore be no procedural or resource implications for the FCO. (Paragraph 26)
7. The Committee notes the assurances given by the Department which indicate that genealogists and other researchers in NI will not be uniquely disadvantaged in being unable to access microfilm copies of civil records and indexes freely in the LDS library in Belfast, as these records will be available only in the LDS library in Salt Lake City. (Paragraph 31)
8. The Committee welcomes the improvements in accessibility and service, including the availability of historic civil records online, which the new legislation will facilitate. In noting that the GRO charging policy is based on recouping the cost of the services provided, the Committee welcomes the project to digitise records dating back to the beginning of registration, which will allow the public to access records quickly and in a cost effective manner. (Paragraph 34)
9. The Committee acknowledges that the Department has carefully considered the data security implications both of the provisions in the Bill and of the wider services provided by GRO. Whilst the Committee welcomes the assurances which it has received to date in this regard, it is mindful of recent security lapses with personal data entrusted to government bodies. As such, the Committee calls on the Department to ensure that the GRO data systems and data handling procedures are kept under continuous review and that any necessary improvements to security arrangements are introduced promptly as the new legislation is implemented. (Paragraph 38)

Introduction

Background

1. The Civil Registration Bill was introduced to the Assembly by the Minister of Finance and Personnel on 17 June 2008 and completed Second Stage on 1 July 2008, when it was subsequently referred to the Committee for Finance and Personnel (the Committee) for Committee Stage. The Bill has 31 clauses and 2 schedules. The provisions in each clause are explained in the Explanatory and Financial Memorandum.^[1]

2. The purpose of the Bill is to provide a more flexible legislative framework for the civil registration of vital events, including births, deaths, marriages and civil partnerships. It aims to provide improved service delivery, better access to services and information, as well as introducing new and more responsive services.

The Committee's Approach

3. The Committee received a briefing from the Department of Finance and Personnel (DFP) on 28 May, prior to the introduction of the Bill to the Assembly. A public notice was placed in the main provincial newspapers on 3 July 2008, following commencement of Committee Stage, inviting written evidence on the provisions of the Bill. The Committee also contacted a number of key stakeholders who had responded to the Department's earlier consultations.

4. In response to its call for evidence, the Committee received written submissions from the following organisations:

- Foreign and Commonwealth Office (FCO);
- Council of Irish Genealogical Organisations (CIGO); and
- The Association of Professional Genealogists in Ireland (APGI)

5. On 14 January 2009, the Committee took oral evidence from representatives of CIGO and APGI.

6. Given the Committee's considerable work pressures, following consultation with the Department, it was agreed that the Presumption of Death Bill would be given priority over the Civil Registration Bill. Therefore, the Committee sought to extend the Committee Stage of the Bill to 20 March 2009, to allow the Committee sufficient time to reach a considered position and to report on the Bill to the Assembly.

7. The Committee made a detailed analysis of the issues arising from the evidence and sought responses from DFP to each of the concerns or proposals raised by witnesses and to additional queries which the Committee itself raised. The Department provided a series of follow up written responses in addition to oral briefing, and the Committee was generally satisfied that the main concerns had been addressed. However, it has continued to pursue a small number of issues, particularly in relation to accessing information and charging for records.

8. The Committee carried out clause-by-clause scrutiny of the Bill on 28 January 2009. At its meeting on 18 March 2009, the Committee agreed that its report on the Bill would be printed.

9. The Minutes of Proceedings relating to the Committee's deliberations on the Bill are included at Appendix 1. Copies of the Official Reports of the oral evidence sessions are at Appendix 2 and the written submissions which the Committee received initially are at Appendix 3. Follow up memoranda and papers, including the written responses from DFP to the queries and proposed amendments raised by witnesses and the Committee are at Appendix 4. Memoranda and papers

from others, including further submissions from the witnesses to address responses from DFP, are at Appendix 5. Finally, Appendix 6 includes the research paper provided by the Assembly Research and Library Service to assist the Committee's deliberations.

Consideration of the Provisions in the Bill

10. During its clause-by-clause scrutiny of the Bill, the Committee agreed all the clauses without the need for amendment, save for clause 14, and also agreed schedules 1 and 2. As described below, during the oral evidence from DFP officials, it was noted that an amendment to clause 14 may be required to address concerns raised by the FCO regarding the need for clarification on the registers which it holds. In response, the Department expressed a willingness to address this issue by defining the meaning of 'register' in the legislation. However, DFP later informed the Committee that the proposed amendment would be inappropriate, on the basis of legal advice which it had received subsequently. As such, the Committee has agreed not to pursue the amendment.

11. The Committee recognises that, in general terms, the changes which the Bill will introduce will be welcomed by the public. It also recognises the vital role of civil registration in securing and protecting basic human rights, and is mindful of the need for a robust system to focus on data security and fraud detection, given the current climate of concern around these significant issues. Thus, the Committee supports the provisions in the Bill, which will provide a more flexible legislative framework for civil registration, with the aim of improved service delivery, better access to services and information as well as introducing new and more responsive services.

12. The Committee's detailed consideration of the evidence on the provisions in the Bill, together with its formal clause-by-clause scrutiny, is detailed in the Official Reports at Appendix 2. However, the following section highlights the key issues upon which the Committee has raised concerns, drawn conclusions or made recommendations, based on the evidence presented at Committee Stage. The issues are identified below against the relevant clauses of the Bill, with consideration being limited only to those clauses which attracted substantive comment in the evidence.

Clause 8 – Registration of deaths

13. Whilst no concerns were raised during the Committee Stage deliberations regarding the specific provisions in clause 8, in the evidence from CIGO and APGI, it was argued that it would be an advantage from a genealogical perspective to have parents' details in all death registrations. In support of this argument, it was pointed out that in Republic of Ireland (RoI), since 2006, parents names are recorded in all death records. The experience of Scotland was also highlighted, where the fuller information has been recorded since 1855, and it is contended that this has had benefits in terms of deterring fraud by enabling birth and death records to be linked through the information on parents.

14. For its part, DFP explained that this issue is not a point in the Bill itself and that its proposal is to collect the additional information in respect of deceased children under the age of 16, mainly for epidemiological purposes (analysis of deaths by social class) because children under 16 do not have a social class. However, the Department has made a commitment to give the CIGO/APGI proposal further consideration when drafting the new regulations, subject to any disproportionate burden that might be placed on persons registering deaths.

15. The Committee welcomes the Department's commitment to give further consideration, when drafting the new regulations, to the proposal to extend the data recorded in death registrations to include the names of the parents of the deceased. The Committee recognises that this measure would benefit genealogical research and would bring Northern Ireland into line with RoI and Scotland in this regard. As such, the Committee looks forward to considering the new regulations in due course.

Clause 13 – Access to information relating to births and deaths

16. In their initial evidence to the Committee, both CIGO and APGI had proposed amendments to clause 13; but these were withdrawn following assurances by the Department that this clause is not designed to generally deny access to registration data. In response to a further proposed amendment from CIGO and APGI for the title of the clause to read "Access to historic information relating to births and deaths through third parties", the Department has explained that the clause includes, but does not solely relate to, historic information and to the access of it through third parties; therefore the amendment being proposed by CIGO and APGI would be inaccurate and should not be made.

17. In addition, both CIGO and APGI were opposed to the provision in clause 13 (and which is also included in clauses 22, 24 and 25) for the Department to extend the "relevant periods" beyond those given in the Bill (e.g. the 100/75/50 year access points for birth/marriage/death records). It was argued that the stated periods are in line with international standards and are conservative compared to some jurisdictions. In response, DFP has explained that it is normal practice when specifying timescales to allow for contingencies by including provisions to vary those timescales if required. The Department also stated that any future changes that the General Register Office (GRO) in Northern Ireland (NI) may wish to make will be made by means of subordinate legislation which would be subject to legislative scrutiny in the Assembly.

18. On this point, the Committee raised whether any future regulations to change the "relevant periods" could be made subject to affirmative, rather than negative, resolution, thereby providing for a higher level of Assembly control (i.e. any future change to the periods stated in the Bill would be subject to a debate and vote in plenary). In response, DFP has explained that the regulations that will be introduced, subsequent to this Bill, will consolidate all of the regulations contained in the Births and Deaths Registration (Northern Ireland) Order 1976 and this Bill. That legislation will be subject to negative resolution as there is no need for affirmative resolution in any of the other clauses. The Department has also advised that making a particular clause subject to affirmative resolution would require separate regulations. Following careful consideration, the Committee agreed that, on balance, it was content that the negative resolution procedure would provide sufficient Assembly control in this area.

19. The Committee notes the concerns of CIGO and APGI in relation to the provision in the Bill, including in clause 13, which gives the Department the power to extend "the relevant periods" for access to civil registration records. While accepting the Department's argument that there is a need for flexibility in the future in this regard, the Committee is, nonetheless, reassured by the fact that any future changes to the periods stated in the Bill will require subordinate legislation, which will be subject to scrutiny by the Committee.

Clause 14 – Correction of errors in registers

20. In its evidence to the Committee, the FCO raised concerns regarding the need for clarification on the registers which it holds. In particular, the FCO queried whether the provisions in clause 14 would apply to the registers held by its missions overseas, which it considers should

be amended only by consular officers overseas, when presented with relevant documentation. In its initial response, DFP explained that, whilst the Registrar General has no statutory authority to amend records belonging to the FCO, it would be willing to address this issue by tabling an amendment which would define the meaning of "register" in the legislation. It was considered that this amendment would provide confirmation regarding the registers to which the legislation applies and, during its clause-by-clause consideration of the Bill, the Committee subsequently agreed clause 14 subject to this amendment.

21. Towards the end of Committee Stage, however, DFP advised the Committee that it had subsequently received legal advice that the proposed amendment would be inappropriate. The Department explained that articles 35 and 36 of the Births and Deaths Registration (Northern Ireland) Order 1976, to which clause 14 of the Bill applies, do not enable amendments to be made to records which are held by consular officers overseas. Moreover, DFP further confirmed that the Registrar General has no power in any legislation to amend records held by missions overseas.

22. On the basis of the confirmation subsequently provided by the Department, that the Registrar General has no power in the legislation to amend records held by FCO missions overseas, the Committee is content with clause 14.

Clause 16 – Certified copies

23. In their evidence to the Committee, CIGO and APGI proposed amendments to clause 16 which stemmed from their concerns that the provisions in this clause would allow the GRO to issue edited certificates, for instance death certificates which omit the cause of death, and that this might be done to the exclusion of full certificates. However, DFP subsequently clarified the provisions in clause 16 and provided assurances that GRO has no plans to remove any of the information currently shown on a certified copy of a record. CIGO and APGI withdrew their proposed amendments on foot of the assurances from the Department.

24. The Committee acknowledges that the clarification and assurances which the Department provided during Committee Stage has helped to allay initial concerns raised by witnesses around the potential for some provisions in the Bill to restrict access to registration data.

Clause 27 – Record of Northern Ireland Connections

25. As part of its evidence to the Committee, the Department explained that the record of Northern Ireland Connections will be an entirely voluntary scheme, whereby someone who registers an event abroad will be also able to register it in NI. In its evidence, the FCO had raised concerns regarding the impact of the scheme on the work of consular officers abroad. However, in responding, the Department explained that the GRO in NI will maintain the register and will handle all associated issues, such as entering an event in the register, deleting entries or access to the register. As such, it was confirmed that the provisions in clause 27 will have no impact on the procedures or resources of the FCO.

26. Thus, the Committee welcomes the confirmation from the Department that the GRO in NI will have sole responsibility for the maintenance of the "Record of Northern Ireland Connections", as provided for in clause 27, and that there will therefore be no procedural or resource implications for the FCO.

Other Issues

27. During the course of the Committee's evidence gathering, a number of issues arose that did not fall strictly within the scope of the existing clauses of the Bill and these are detailed below.

Access to records and charging policy

28. In their initial evidence to the Committee, both CIGO and APGI were concerned that in various aspects of the earlier consultation paper, entitled 'Civil Registration in the 21st Century, Modernising a Vital Service' it was not clear that any new legislation or regulations should not restrict access to data recorded in NI's civil registration records. In response, the Department has advised that GRO had originally proposed to restrict access to some of the data contained in a registration record, such as address, occupation and cause of death, with the full information being available only to the individual and their families and to agencies who had legally prescribed access. However, after considering the consultation responses, the GRO had revised the policy proposal to enable a full record to be viewed as included in the current Bill. The Committee welcomes this clarification from the Department and agrees with the revised policy reflected in the Bill, which will enable the viewing of a full registration record.

29. In their evidence to the Committee, both CIGO and APGI raised concern that access to historic civil records would be restricted in NI whilst the same records could be accessible in other jurisdictions. In particular, it was pointed out that in 1959 GRO in NI had permitted the Mormon/Latter Day Saints (LDS) Church to microfilm the NI civil registers (and associated indexes) for the period 1922 to 1959. These microfilms have been made available free of charge in LDS Family History Libraries over many years, both in Salt Lake City and in NI. Similarly, the Republic's GRO entered into an agreement which saw all of the Republic's civil indexes and much of the civil registers microfilmed up to 1958. Again, these microfilms have been made available, free of charge, in LDS Family History Libraries in Salt Lake City and in Dublin. The witnesses also pointed out that GRO in NI has now insisted that the LDS withdraw these films, ensuring that citizens of NI have to pay GRO for access to information which is freely available to others resident outside NI.

30. In response to the concerns raised by CIGO and APGI, the Department has advised that the agreement with the LDS Church provided for a copy to be retained and kept solely at LDS library in Salt Lake City. In this regard, GRO has been given assurances from the LDS that the records are only available in Salt Lake City and not in libraries in other countries. The Department has further explained that, following successful passage of the Bill when 'historic records' can be made available online, all birth records prior to 1909, death records prior to 1959 and marriage records prior to 1934 will be more easily accessible providing a much improved service to the customer.

31. The Committee notes the assurances given by the Department which indicate that genealogists and other researchers in NI will not be uniquely disadvantaged in being unable to access microfilm copies of civil records and indexes freely in the LDS library in Belfast, as these records will be available only in the LDS library in Salt Lake City.

32. As part of its deliberations, the Committee highlighted the need to find a balance between charging for access to historic civil records and making the information freely available, including in terms of promoting tourism. In response, the Department has explained that the GRO charging policy is based on the cost of services provided. With respect to tourism, the Department briefed members on the Scottish website, entitled "ScotlandsPeople", where such information has been available over the internet for a number of years on a fee paying basis. The Department also indicated that, while no research study has been carried out as to whether this resource generates tourism to Scotland, the site has been successful despite the fact that it levies an access charge.

33. The Committee also queried whether limited information could be made available to the public without an initial charge, as this would assist amateur genealogists in commencing their research and minimise any nugatory outlay. DFP explained that GRO offers the facility for an assisted search, which is a cost effective way for someone beginning their research. In terms of the internet, the Department advised that, though the website will involve an element of charging, it will also include a self-instruction section. Also, there is a concurrent project to digitise all the records dating back to the beginning of registration, which will allow an individual to be able to access records quickly and more cost effectively on the internet. Further to this, the Department has advised that following the digitisation project, there will be an enhanced index, which the public will be able to check without having to view a digital copy of the actual record.

34. The Committee welcomes the improvements in accessibility and service, including the availability of historic civil records online, which the new legislation will facilitate. In noting that the GRO charging policy is based on recouping the cost of the services provided, the Committee welcomes the project to digitise records dating back to the beginning of registration, which will allow the public to access records quickly and in a cost effective manner.

Data Security

35. In response to queries raised by the Committee in relation to data security and the risk of people hacking into the central systems, the Department has advised that the main GRO computer systems are internal and do not have a public interface; nonetheless, as bespoke operating systems, they have industry-standard protection procedures in place, which are kept under continuous review. The Department has also advised that there are audit processes and reports built in, which allow GRO to monitor activities carried out on the system.

36. As part of its deliberations the Committee also raised queries regarding the potential for using electronic signatures and regarding the safeguards for remote/electronic registration. The Department stated that the use of electronic signatures will not be required as part of the new process and that remote/electronic registration will only be introduced when appropriate safeguards are in place. These include procedures for authenticating an electronic registration, its transmission over a secure network and its subsequent verification using independent sources before final registration. DFP also advised that public facing systems, for example those which will facilitate genealogical research, will consist of static images which cannot be altered. The Committee received assurances from the Department that stringent security features will be paramount in any internet facility and that any electronic public interface will have underlying security features built in, which will be subject to ongoing review by independent accreditation.

37. Also, as part of its consideration of data security issues, the Committee queried whether GRO was included in DFP's Report on the Northern Ireland Data Protection Review, and subsequently received confirmation from the Department that GRO was included in this exercise and had implemented the recommendations within the report.

38. The Committee acknowledges that the Department has carefully considered the data security implications both of the provisions in the Bill and of the wider services provided by GRO. Whilst the Committee welcomes the assurances which it has received to date in this regard, it is mindful of recent security lapses with personal data entrusted to government bodies. As such, the Committee calls on the Department to ensure that the GRO data systems and data handling procedures are kept under continuous review and that any necessary improvements to security arrangements are introduced promptly as the new legislation is implemented.

[1] http://archive.niassembly.gov.uk/legislation/primary/2007/niabill20_07efm.htm

Introduction

Appendix 1

Minutes of Proceedings [Extracts]

**Wednesday, 24 October 2007
Room 152, Parliament Buildings**

Present: Mitchel McLaughlin MLA (Chairperson)
Roy Beggs MLA
Dr Stephen Farry MLA
Simon Hamilton MLA
Jennifer McCann MLA
Adrian McQuillan MLA
Peter Weir MLA

In Attendance: Shane McAteer (Assembly Clerk)
Vivien Ireland (Assistant Assembly Clerk)
Colin Jones (Assistant Assembly Clerk)
Paula Sandford (Clerical Supervisor)
Mary Thompson (Clerical Officer)

Apologies: Mervyn Storey MLA (Deputy Chairperson)
Fra McCann MLA
Declan O'Loan MLA
Dawn Purvis MLA

The meeting commenced at 10.11 am in open session.

6. DFP Briefing on forthcoming Civil Registration Bill

The Committee received a briefing from Dr Norman Caven, Registrar General and Annette Gilkeson, Assistant Registrar General, Northern Ireland Statistics and Research Agency, and Cathy Collins, Principal Legal Officer, Departmental Solicitor's Office.

**Wednesday, 28 May 2008
Room 152, Parliament Buildings**

Present: Mitchel McLaughlin MLA (Chairperson)
Mervyn Storey MLA (Deputy Chairperson)
Roy Beggs MLA
Dr Stephen Farry MLA
Simon Hamilton MLA
Fra McCann MLA
Jennifer McCann MLA
Adrian McQuillan MLA
Declan O'Loan MLA

Dawn Purvis MLA
Peter Weir MLA

In Attendance: Shane McAteer (Assembly Clerk)
Vivien Ireland (Assistant Assembly Clerk)
Colin Jones (Assistant Assembly Clerk)
Paula Sandford (Clerical Supervisor)
Chris McCreery (Clerical Officer)

Apologies: None.

The meeting commenced at 10.03 am in open session.

5. Civil Registration Bill: Pre-introduction Update – DFP Briefing

The Committee took evidence from Dr Norman Caven, Registrar General, Northern Ireland Statistics and Research Agency and Annette Gilkeson, Northern Ireland Statistics and Research Agency on the progress of the Civil Registration Bill. The session was recorded by Hansard.

Ms McCann joined the meeting at 10.40 am.

Wednesday, 2 July 2008 Room 152, Parliament Buildings

Present: Mitchel McLaughlin MLA (Chairperson)
Simon Hamilton MLA (Deputy Chairperson)
Roy Beggs MLA
Dr Stephen Farry MLA
Jennifer McCann MLA
Adrian McQuillan MLA
Declan O'Loan MLA
Ian Paisley Jnr MLA
Dawn Purvis MLA
Peter Weir MLA

In Attendance: Shane McAteer (Assembly Clerk)
Vivien Ireland (Assistant Assembly Clerk)
Colin Jones (Assistant Assembly Clerk)
Paula Sandford (Clerical Supervisor)
Chris McCreery (Clerical Officer)
Claire Cassidy (Assembly Research)

Apologies: Fra McCann MLA

The meeting commenced at 10.00 am in open session.

5. Assembly Research Briefing on Civil Registration Bill – Committee Stage

The Committee was briefed by Assembly Research on the Civil Registration Bill.

Agreed: a notice for publication in the press, drawing attention to the Committee Stage of the Bill and seeking submissions by 20 August 2008.

Agreed: an initial draft timetable for the Committee Stage of the Bill.

Agreed: a list of key stakeholders to be contacted directly and asked to make a submission on the Bill.

Mr Paisley left the meeting at 11.26 am.

Wednesday, 10 September 2008

Room 152, Parliament Buildings

Present: Mitchel McLaughlin MLA (Chairperson)
Simon Hamilton MLA (Deputy Chairperson)
Roy Beggs MLA
Dr Stephen Farry MLA
Fra McCann MLA
Jennifer McCann MLA
Adrian McQuillan MLA
Ian Paisley Jnr MLA
Dawn Purvis MLA
Peter Weir MLA

In Attendance: Shane McAteer (Assembly Clerk)
Colin Jones (Assistant Assembly Clerk)
Paula Sandford (Clerical Supervisor)
Chris McCreery (Clerical Officer)
Dr Robert Barry (Assembly Research)

Apologies: Declan O'Loan MLA

The meeting commenced at 10.03 am in open session.

10. Committee Work Programme

Members considered the draft Committee work programme from September 2008.

Members noted that submissions had been sought over the summer on the Civil Registration Bill and that, in addition to the Budget Inquiry and various other policy issues which the Committee needed to scrutinise, the Committee Stage of the Presumption of Death Bill was due to commence next week. In addition, the committee had lost the services of one of its assistant clerks for several weeks to cover a vacancy in the Procedures Committee.

Members noted that DFP officials had advised that the Presumption of Death Bill was a priority and that there was no immediate urgency with the Civil Registration Bill.

Agreed: that priority will be given to the Presumption of Death Bill.

Wednesday, 15 October 2008

Room 152, Parliament Buildings

Present: Mitchel McLaughlin MLA (Chairperson)
Simon Hamilton MLA (Deputy Chairperson)
Dr Stephen Farry MLA
Fra McCann MLA
Jennifer McCann MLA
David McNarry MLA
Adrian McQuillan MLA
Declan O'Loan MLA

In Attendance: Shane McAteer (Assembly Clerk)
Colin Jones (Assistant Assembly Clerk)
Paula Sandford (Clerical Supervisor)
Chris McCreery (Clerical Officer)
Dr Robert Barry (Assembly Research)

Apologies: Ian Paisley Jnr MLA
Peter Weir MLA

The meeting commenced at 10.08 am in open session.

8. Committee Work Programme

Members considered motions to extend the committee stages of both the Presumption of Death and Civil Registration Bills and noted that DFP was content with the proposed extensions.

Agreed: that a motion will be laid in the Business Office, seeking to extend the Committee Stage of the Civil Registration Bill until 20 March 2009.

Wednesday, 19 November 2008

Room 152, Parliament Buildings

Present: Mitchel McLaughlin MLA (Chairperson)
Simon Hamilton MLA (Deputy Chairperson)
Dr Stephen Farry MLA
Fra McCann MLA
Jennifer McCann MLA
David McNarry MLA
Adrian McQuillan MLA
Declan O'Loan MLA
Ian Paisley Jnr MLA
Dawn Purvis MLA

In Attendance: Shane McAteer (Assembly Clerk)
Colin Jones (Assistant Assembly Clerk)
Vivien Ireland (Assistant Assembly Clerk)
Paula Sandford (Clerical Supervisor)
Chris McCreery (Clerical Officer)

Apologies: Peter Weir MLA.

The meeting commenced at 10.08 am in open session.

11. Committee Work Programme

Members considered the current draft of the Committee work programme until Christmas recess.

Agreed: that the evidence sessions on the Civil Registration Bill will be deferred until after Christmas Recess.

Wednesday, 10 December 2008 Room 152, Parliament Buildings

Present: Mitchel McLaughlin MLA (Chairperson)

Dr Stephen Farry MLA

Fra McCann MLA

Jennifer McCann MLA

David McNarry MLA

Adrian McQuillan MLA

Declan O'Loan MLA

Ian Paisley Jnr MLA

Dawn Purvis MLA

Peter Weir MLA

In Attendance: Shane McAteer (Assembly Clerk)

Colin Jones (Assistant Assembly Clerk)

Vivien Ireland (Assistant Assembly Clerk)

Paula Sandford (Clerical Supervisor)

Chris McCreery (Clerical Officer)

Apologies: Simon Hamilton MLA (Deputy Chairperson)

8. Committee Work Programme from January 2009

Members noted that representatives from the Association of Professional Genealogists in Ireland and the Council of Irish Genealogical Organisations have indicated that they would be willing to give oral evidence to the Committee on the Civil Registration Bill on 14 January 2009.

Agreed: that formal invitations will be issued to the representatives of the Association of Professional Genealogists in Ireland and the Council of Irish Genealogical Organisations.

Wednesday, 21 January 2009 Room 152, Parliament Buildings

Present: Mitchel McLaughlin MLA (Chairperson)

Simon Hamilton MLA (Deputy Chairperson)

Dr Stephen Farry MLA

Jennifer McCann MLA

David McNarry MLA

Adrian McQuillan MLA
Declan O'Loan MLA
Ian Paisley Jnr MLA
Dawn Purvis MLA
Peter Weir MLA

In Attendance: Shane McAteer (Assembly Clerk)
Colin Jones (Assistant Assembly Clerk)
Vivien Ireland (Assistant Assembly Clerk)
Paula Sandford (Clerical Supervisor)
Chris McCreery (Clerical Officer)

Apologies: Fra McCann MLA

The meeting commenced at 10.06 am in open session.

6. Civil Registration Bill Committee Stage: Consideration of Issues arising from Evidence

The Committee took evidence from Dr Norman Caven, Registrar General, Northern Ireland Statistics and Research Agency (NISRA), DFP and Mrs Annette Gilkeson, Deputy Registrar General, NISRA, DFP. The session was recorded by Hansard.

Mr McNarry joined the meeting at 12.06 pm.

Mr Paisley Jnr joined the meeting at 12.17 pm.

Dr Farry left the meeting at 12.35 pm.

Ms Purvis left the meeting at 12.39 pm.

Agreed: that the DFP officials will provide further information requested by the Committee during the evidence session, in time for next week's meeting, when the Committee will commence clause-by-clause scrutiny of the Bill.

Wednesday, 7 January 2009 Room 152, Parliament Buildings

Present: Mitchel McLaughlin MLA (Chairperson)
Simon Hamilton MLA (Deputy Chairperson)
Dr Stephen Farry MLA
Fra McCann MLA
Jennifer McCann MLA
Declan O'Loan MLA
Ian Paisley Jnr MLA
Dawn Purvis MLA

In Attendance: Shane McAteer (Assembly Clerk)
Colin Jones (Assistant Assembly Clerk)
Vivien Ireland (Assistant Assembly Clerk)

Paula Sandford (Clerical Supervisor)
Chris McCreery (Clerical Officer)

Apologies: David McNarry MLA
Adrian McQuillan MLA
Peter Weir MLA

The meeting commenced at 10.01 am in open session.

8. Committee Work Programme from January 2009

Agreed: that the DFP response to concerns raised by genealogists in respect of the Civil Registration Bill will be forwarded to the witnesses in advance of the meeting on 14 January 2009.

Wednesday, 14 January 2009 Senate Chamber, Parliament Buildings

Present: Mitchel McLaughlin MLA (Chairperson)
Simon Hamilton MLA (Deputy Chairperson)
Dr Stephen Farry MLA
Fra McCann MLA
Jennifer McCann MLA
Adrian McQuillan MLA
Declan O'Loan MLA
Ian Paisley Jnr MLA
Dawn Purvis MLA
Peter Weir MLA

In Attendance: Shane McAteer (Assembly Clerk)
Colin Jones (Assistant Assembly Clerk)
Vivien Ireland (Assistant Assembly Clerk)
Paula Sandford (Clerical Supervisor)
Chris McCreery (Clerical Officer)

Apologies: None.

The meeting commenced at 10.06 am in open session.

4. Civil Registration Bill Committee Stage: Evidence from the Association of Professional Genealogists and the Council of Irish Genealogical Organisations

The Committee took evidence from Robert Davison, Honorary Secretary, Association of Professional Genealogists in Ireland (APGI) and Steven Smyrl, Executive Liaison Officer, Council of Irish Genealogical Organisations (CIGO). The session was recorded by Hansard.

Members were advised that the consideration of issues arising from evidence taken on the Civil Registration Bill has been scheduled for next week.

Mr Paisley Jnr joined the meeting at 10.45 am.

Agreed: that the following will be forwarded to DFP for a written response to any outstanding issues by the end of the week: a copy of the Hansard of the evidence of 28 May 2008 from Departmental officials, the latest briefing paper and statement from CIGO and APGI, the response from the Foreign and Commonwealth Office and any outstanding issues raised at today's meeting.

Wednesday, 28 January 2009

Room 152, Parliament Buildings

Present: Mitchel McLaughlin MLA (Chairperson)
Simon Hamilton MLA (Deputy Chairperson)
Dr Stephen Farry MLA
Fra McCann MLA
David McNarry MLA
Adrian McQuillan MLA
Declan O'Loan MLA
Dawn Purvis MLA
Peter Weir MLA

In Attendance: Shane McAteer (Assembly Clerk)
Vivien Ireland (Assistant Assembly Clerk)
Colin Jones (Assistant Assembly Clerk)
Paula Sandford (Clerical Supervisor)
Chris McCreery (Clerical Officer)

Apologies: Jennifer McCann MLA
Ian Paisley Jnr MLA

The meeting commenced at 10.03 am in open session.

5. Civil Registration Bill Committee Stage: Clause-by-Clause Scrutiny

The Committee took evidence from Dr Norman Caven, Registrar General, Northern Ireland Statistics and Research Agency (NISRA), DFP and Mrs Annette Gilkeson, Deputy Registrar General, NISRA, DFP. The session was recorded by Hansard.

The Committee undertook its formal clause-by-clause scrutiny of the Civil Registration Bill as follows:

Clause 1 – Registration of births

Clause 2 – Infant children found exposed

Clause 3 – Issue of notice for information concerning births

Clause 4 – Registration of father where parents not married

Clause 5 – Time limit on registration of still-births

Clause 6 – Registration of still-births where parents not married

Clause 7 – Re-registration of births of legitimated persons

Question: That the Committee is content with clauses 1 to 7, put and agreed to.

Clause 8 – Registration of deaths

On the basis of concerns raised in the evidence, the Department had made a commitment to give further consideration to a proposal from the Council of Irish Genealogical Organisations (CIGO)/ Association of Professional Genealogists in Ireland (APGI) for the range of information in death records to be extended to include parents' names. DFP will consider this when drafting the new regulations, subject to any disproportionate burden that might be placed on persons registering deaths. The Committee welcomed the commitment given by DFP, whilst noting that the issue was not material to the consideration of clause 8.

Question: That the Committee is content with clause 8, put and agreed to.

Clause 9 – Issue of notice for information concerning deaths

Clause 10 – Short death certificate

Clause 11 – Discharge of functions of the Registrar General

Clause 12 – Reproduction of registers and replacement of lost registers, etc.

Question: That the Committee is content with clauses 9 to 12, put and agreed to.

Mr McQuillan left the meeting at 11.16 am.

Mr McQuillan returned to the meeting at 11.18 am.

Clause 13 – Access to information relating to births and deaths

The Committee discussed concerns raised in the evidence of the provision that gives the General Register Office in Northern Ireland (GRONI) the power to extend the relevant periods for access to records (100 years in respect of births, 75 years in respect of marriages and 50 years in respect of deaths). The Department pointed to the need for flexibility in the future and that any changes would be made by means of subordinate legislation, which the Committee will have the opportunity to scrutinise.

Question: That the Committee is content with clause 13, put and agreed to.

Clause 14 – Correction of errors in registers

Members considered concerns which had been raised by the Foreign and Commonwealth Office regarding the need for clarification on the registers which it holds. DFP had expressed a willingness to address this issue by defining the meaning of 'register' in the legislation.

Question: That the Committee is content with clause 14, subject to an amendment by the Department to insert a definition of "register" in Article 2 of the Births and Deaths Registration (Northern Ireland) Order 1976, put and agreed to.

Clause 15 – Registration or alteration of child's name

Question: That the Committee is content with clause 15, put and agreed to.

Clause 16 – Certified copies

Members noted that both CIGO and APGI had withdrawn their proposed amendments and accepted the Department's assurances that GRONI had no plans to restrict access to registration data.

Question: That the Committee is content with clause 16, put and agreed to.

Clause 17 – Issue of short birth certificate

Clause 18 – Notification of births and deaths

Clause 19 – Entries in registers as evidence

Clause 20 – Refusal to give information

Clause 21 – Fees payable for searches, certified copies, etc.

Question: That the Committee is content with clauses 17 to 21, put and agreed to.

Clause 22 – Access to information relating to marriages and civil partnerships

Question: That the Committee is content with clause 22, put and agreed to.

Dr Farry joined the meeting at 11.25 am.

Clause 23 – Notification of registration of marriages and civil partnerships

Question: That the Committee is content with clause 23, put and agreed to.

Clause 24 – Access to information in the Adopted Children Register

Question: That the Committee is content with clause 24, put and agreed to.

Clause 25 – Access to information in the Gender Recognition Register

Question: That the Committee is content with clause 25, put and agreed to.

Clause 26 – Commemorative documents

Question: That the Committee is content with clause 26, put and agreed to.

Clause 27 – Record of Northern Ireland Connections

On the basis of concerns raised in the evidence by the Foreign and Commonwealth Office, the Department had explained that GRONI will maintain the register and all issues relating to an event (i.e. registering, deleting or accessing of records) will be conducted through the office in Northern Ireland.

Question: That the Committee is content with clause 27, put and agreed to.

Clause 28 – Interpretation

Clause 29 – Repeals

Clause 30 – Commencement

Clause 31 – Short title

Question: That the Committee is content with clauses 28 to 31, put and agreed to.

Schedule 1 – Events which may be recorded under Section 27

Schedule 2 – Repeals

Question: That the Committee is content with schedules 1 and 2, put and agreed to.

Members discussed other issues relating to accessing records and the GRONI charging policy that relate to the wider policy issues around civil registration. In addition, the Committee was advised by the Department that GRONI was included in DFP's 'Report on the Northern Ireland Data Protection Review' and that it had implemented the recommendations within the report.

Members were advised that a draft report on the Committee Stage of the Bill will be prepared for the Committee's consideration at an upcoming meeting.

Wednesday, 4 February 2009

Room 152, Parliament Buildings

Present: Mitchel McLaughlin MLA (Chairperson)
Simon Hamilton MLA (Deputy Chairperson)
Dr Stephen Farry MLA
Fra McCann MLA
Jennifer McCann MLA
David McNarry MLA
Adrian McQuillan MLA
Declan O'Loan MLA
Ian Paisley Jnr MLA
Dawn Purvis MLA
Peter Weir MLA

In Attendance: Shane McAteer (Assembly Clerk)
Vivien Ireland (Assistant Assembly Clerk)
Colin Jones (Assistant Assembly Clerk)
Paula Sandford (Clerical Supervisor)
Chris McCreery (Clerical Officer)

Apologies: None

The meeting commenced at 10.01 am in open session.

3. Matters Arising

The Committee noted the outstanding requests for information from DFP.

Agreed: that the most recent DFP briefing papers relating to the Civil Registration Bill will be forwarded to the genealogical organisations which had previously given oral evidence to the Committee.

Wednesday, 11 March 2009 Room 152, Parliament Buildings

Present: Mitchel McLaughlin MLA (Chairperson)
Simon Hamilton MLA (Deputy Chairperson)
Dr Stephen Farry MLA
Fra McCann MLA
David McNarry MLA
Adrian McQuillan MLA
Declan O'Loan MLA
Dawn Purvis MLA
Peter Weir MLA

In Attendance: Shane McAteer (Assembly Clerk)
Vivien Ireland (Assistant Assembly Clerk)
Colin Jones (Assistant Assembly Clerk)
Heather Galbraith (Clerical Officer)
Chris McCreery (Clerical Officer)

Apologies: Jennifer McCann MLA

The meeting commenced at 10.07 am in open session.

6. Civil Registration Bill Committee Stage – Initial Consideration of the Draft Report

Members considered the first draft of the Committee Report on the Committee Stage of the Civil Registration Bill.

Dr Farry left the meeting at 11.54 am.

Mr McNarry left the meeting at 12.02 pm.

Agreed: that, further clarification will be sought from the Department on the withdrawal of the amendment to clause 14. The Committee also agreed that that the report will be included on the agenda for next week's meeting for formal consideration.

Wednesday, 18 March 2009 Room 152, Parliament Buildings Unapproved Minutes of Proceedings

Present: Mitchel McLaughlin MLA (Chairperson)
Simon Hamilton MLA (Deputy Chairperson)
Fra McCann MLA
David McNarry MLA
Adrian McQuillan MLA

Declan O'Loan MLA
Peter Weir MLA

In Attendance: Shane McAteer (Assembly Clerk)
Vivien Ireland (Assistant Assembly Clerk)
David McKee (Clerical Supervisor)
Heather Galbraith (Clerical Officer)
Chris McCreery (Clerical Officer)

Apologies: Dr Stephen Farry MLA
Jennifer McCann MLA
Ian Paisley Jnr MLA
Dawn Purvis MLA

The meeting commenced at 10.10 am in open session.

6. Civil Registration Bill Committee Stage – Consideration of the Draft Report

Members considered a second draft of the Committee's report on a paragraph-by-paragraph basis, as follows:

Agreed: that paragraphs 1-9 stand part of the Report.

Agreed: that paragraphs 10-14 stand part of the Report.

Agreed: that paragraphs 15-18 stand part of the Report.

Agreed: that paragraphs 19-21 stand part of the Report.

Agreed: that paragraphs 22-23 stand part of the Report.

Agreed: that paragraphs 24-26 stand part of the Report.

Agreed: that paragraphs 27-28 stand part of the Report.

Agreed: that paragraphs 29-33 stand part of the Report.

Agreed: that paragraphs 34-38 stand part of the Report.

Agreed: that the draft Executive Summary stands part of the report.

Agreed: that the appendices stand part of the Report.

Agreed: that the Report be the Fourth Report of the Committee for Finance and Personnel to the Assembly for session 2008/09.

Agreed: that the Report be printed.

Members noted that a typescript copy of the Report will issue to DFP by the end of the week, in line with normal protocol. The Report will be published next week and copies issued to all MLAs.

Agreed: that the relevant extract from the draft minutes of today's proceedings will be checked by the Chairperson and included in the Committee's Report as 'unapproved' minutes of proceedings.

Appendix 2

Minutes of Evidence

28 May 2008

Members present for all or part of the proceedings:

Mr Mitchel McLaughlin (Chairperson)
Mr Mervyn Storey (Deputy Chairperson)
Mr Roy Beggs
Dr Stephen Farry
Mr Simon Hamilton
Mr Fra McCann
Ms Jennifer McCann
Mr Adrian McQuillan
Mr Declan O'Loan
Ms Dawn Purvis
Mr Peter Weir

Witnesses:

Dr Norman Caven Department of Finance and Personnel
Ms Annette Gilkeson

1. The Chairperson (Mr McLaughlin): I welcome Dr Norman Caven, Registrar General of the Northern Ireland Statistics and Research Agency (NISRA), and Ms Annette Gilkeson from the same body, who will present a pre-introduction update of the draft civil registration Bill to the Committee.
2. Dr Norman Caven (Department of Finance and Personnel): We previously briefed the Committee on 24 October 2007 to give members an inkling of the likely contents of the Bill. Since that time, we have worked with the civil law reform division of the Departmental Solicitor's Office to provide instructions to counsel. Counsel has now drafted a Bill that is scheduled for introduction to the Assembly on 16 June 2008.
3. Civil registration has existed since the 1840s and has operated almost continuously since then. It plays a vital role in giving a name and identity to people in society and providing proof of parentage and entitlement to inheritance. It covers many aspects of basic human rights. We have examined the historical civil registration framework, and we introduced the Marriage (Northern Ireland) Order 2003. We conducted extensive work in local registration offices in district council areas to introduce new technology; since 1997, registers have been computerised, which has allowed the production of certificates of events registered since that date.
4. Over the past few years in the General Register Office, we have done quite a lot of work updating and significantly developing internal systems in order to make them more efficient, outward facing and easier for citizens to use. We have attained several Charter Mark awards and, in that process, our staff have also achieved Investors in People awards.

5. We are now addressing the last pieces of the jigsaw, one of which is our attempt to computerise records that stretch back to the 1840s. New births and deaths legislation will complement that task and further improve the service that we provide to the public.

6. There are a variety of measures in the Bill, and, rather than addressing each one independently, in an attempt to assist members, I shall group them in several areas. There are several service improvements, and one or two are worth identifying. We will be able to allow the registration of an event at any register office in Northern Ireland, rather than just in the locale of a child's birth or in which the mother is living, and we hope that that will facilitate a more customer-oriented procedure. We will also seek to introduce regulations — including suitable safeguards — that would allow remote registration using electronic links. Irrespective of those measures, face-to-face registration will always remain for those who want it.

7. We also plan to facilitate commemorative certificates. Sometimes people want a certificate that is slightly different from the general certificate in order to commemorate a special event, such as a wedding anniversary or a particular birthday, and we are considering providing that as a service to individuals.

8. The Chairperson: Obviously, it will also be another source of revenue. [Laughter.]

9. Dr Caven: We also wish to facilitate unmarried fathers to be indicated as a parent on a child's birth certificate. That is the range of service improvements that we envisage.

10. There are several other matters, which, although they do not affect many people, are nonetheless important to those people. We propose to extend the period in which a stillbirth can be registered from three months to 12 months. Stillbirth is always a traumatic event, and, sometimes, the three-month registration period is not sufficiently long for parents' comfort, and, therefore, we envisage introducing that improvement.

11. Some individuals are sensitive about the notation of the cause of death on a death certificate, which is not strictly required for all purposes — for example, closing a bank account. In order to address that concern, we are proposing to provide for purchase an alternative form of death certificate that excludes the cause of death. If people so desire, that will be an option. As I said, those matters affect only a small number of people, but they are important to them.

12. We are also aiming to introduce some efficiency measures that will provide customer service improvements. I mentioned the digitisation of records, and that must be done not least because we are still working with paper records that stretch back to the mid-nineteenth century. We wish to do that not only to preserve those records under proper conditions but to accrue efficiencies as a consequence of computerisation.

13. Customers will find it easier to use the service once the records are computerised. For example, someone requiring a passport need not come to us for a birth certificate and then toddle along to the passport office and hand it in for processing. Instead, that person could provide on his or her passport application form the details that would allow the passport office, under suitable conditions, to check our registers, thereby streamlining the process. Computerisation would also reduce the number of certificates in circulation, thereby potentially reducing fraud. Those are examples of service-level improvements.

14. We are conscious of having some 10 million records, which are a substantial genealogical resource, and we encourage the use of that resource. Computerisation will allow those records to be made available on the Internet, again with suitable safeguards. A period of time would have to elapse before records were made available, and we are considering 100 years for births, 75 years for marriages and 50 years for deaths.

15. We are planning a book of Northern Ireland connections so that individuals who have a connection with Northern Ireland could register events, births, deaths or marriages that happen outwith Northern Ireland. Such registrations would not have any legal standing but would be an additional valuable resource to genealogists. That is being undertaken in Scotland and has been well received. It is another area where we see a potential improvement but which would be paid for by users and not be a cost to the public purse.

16. The legislation contains technical points, including how we correct errors, the delegation that the Registrar General can give to officers and other matters of clarification, which are tidy-up points and cover a number of efficiencies. There are also several small consequential changes that will result from the facility to allow registration in any register office and for the registrar, eventually, to be able to issue certificates in local offices that cover all of Northern Ireland.

17. Quite a number of those proposed changes have already been implemented in Scotland, although not in England and Wales, without much difficulty or adverse public reaction. The proposals have been agreed by the Executive and the Bill will be introduced to the Assembly on 16 June 2008, with Second Stage scheduled for 24 June 2008, before returning to the Committee for detailed scrutiny.

18. Mr Weir: The Committee welcomes many of the proposals, not least the passport proposal, especially if it reduces paperwork and hassle. The current geographic restriction could be a great inconvenience for a small number of people. I assume that you do not expect many people to register outside their geographic area, thereby not placing much of a burden on an individual office.

19. Dr Caven: We were interested in how the removal of geographic restrictions worked in Scotland. Although Scotland is not strictly comparable with Northern Ireland, the experience there has not resulted in much change and has not required changes in the staff complements of many offices. Although we could alter the staffing structure according to the demands of individual offices, the Department defrays the cost of individual offices in each district council area between what it costs to undertake the service and how much income is recouped from each office.

20. Mr Weir: There could be implications for staff. For instance, there could be a massive additional burden on individual members of staff, or several members of staff could be forced to relocate because of higher volumes of registrations in Belfast, for example. You said that in Scotland it was at the margins.

21. Dr Caven: Yes, it was at the margins.

22. Mr Weir: That is what we would expect. What are the cost implications of the changes? Will they be cost neutral?

23. Dr Caven: We expect them to be cost neutral. The records are being digitised, and we have produced a business case that has been approved by the supply side for the work that is entailed. The cost of the registration service is usually borne by members of the public who request certificates. The Government defray the cost of having a registration service and staffing it, but the cost to the public purse is defrayed by the time that it takes to undertake the work to produce an individual certificate. That cost is charged out at an economic rate.

24. Mr Weir: I assume that commemorative certificates would also be cost neutral. Some of us are getting to the age where we would like to forget about birthdays rather than commemorate them, but will there be a set list of memorable life events? Will they be restricted to fiftieth

wedding anniversaries, for example, or fiftieth birthdays, or will there be a level of flexibility so that a specific request can be accommodated?

25. Dr Caven: The draft legislation provides some flexibility, but if experience elsewhere in the UK is anything to go by, memorable life events include fortieth, fiftieth or sixtieth wedding anniversaries, for example.

26. The Chairperson: A certificate could have been issued for the day that you arrived in the Assembly.

27. Mr Weir: That certificate should have black lines around it.

28. Dr Farry: Or a certificate could have been issued for the day that you joined the DUP.
[Laughter.]

29. Mr Weir: Can the General Register Office cope with such requests? Some people may have unusual request, and I am sure that members who have worked in constituency offices are aware of the unusual requests that members of the public can make. However, presumably the General Register Office will be able to accommodate those requests within reason.

30. You mentioned that greater public access to civil registration records will be useful for genealogy purposes. Has any study been carried out to ensure that there are no loopholes that could be exploited for fraud purposes? I am not being facetious, but the famous book and film 'The Day of the Jackal' dealt with exploitation of people's identities. People regarded that story as a piece of fiction, but, years later, it seems that many of those loopholes can still be exploited. Are you confident that the system is robust enough to provide data protection and to prevent fraud? We welcome greater public access, but there can be no loopholes that could be exploited for criminal or financial purposes.

31. Dr Caven: That issue is to the front of our minds. The 'Day of the Jackal' fraud has been assessed by the Identity and Passport Service and the General Register Office.

32. As regards the availability of those records, we have considered restricting Internet access to what we call "historic" records. In other words, 100 years would have to elapse before a birth record would be available on that facility, 75 years for a marriage record and 50 years for a death record. Therefore, it is hoped that historic records, by definition, are not the type of records that individuals who intend to commit fraud would aim to use.

33. The Chairperson: We can, therefore, take reassurance that he really is Peter Weir.

34. Mr Weir: Unfortunately, for the rest of you, yes. [Laughter.]

35. Mr O'Loan: Likewise, I support what you are doing to make the service more responsive to modern needs and desires. Is there a provision for naming stillborn babies?

36. Dr Caven: Yes, there is such a provision.

37. Mr O'Loan: I did not take in what you said about alterations to registration records. Can you explain what that is about?

38. Dr Caven: Do you mean the re-registration of fathers' names?

39. Mr O'Loan: I do not mean changes to the procedures to make alterations. In what context can alterations to existing records be made?

40. Dr Caven: Sometimes, a registrar may make a clerical error. Those things happen. Current legislation allows such an error to be fixed and a clean certificate to be provided to the individual. However, parents may attend their child's birth registration and spell the child's name wrongly but insist that that is how they want the child's name to be registered at that time. They then go away and decide that that is not the way that the name should be spelled. That is not clerical error. However, nor is it an error of fact or substance. We are, therefore, trying to widen the legislation's latitude in order to fix errors and provide clean certificates that do not have annotations that relate to matters other than errors of fact or substance. That is one way in which an existing entry can be changed.

41. Under current legislation, a child who is born to unmarried parents can be registered by the mother. However, if the father wishes to appear on the register, he must attend the register office with the mother in order to effect that registration. Sometimes, that is difficult, because people may be required to attend the office at a time when they have to be at work, for example. We are trying to make it easier for fathers to attend separately and to have their details recorded as their child's father on the birth entry. At the same time, however, the record would be held in draft form until the mother in an unmarried couple gives her permission for the entry to be finalised. Therefore, although the process is made easier, it also retains that safeguard.

42. Mr O'Loan: I am interested in alterations because registers are important legal records. The idea that someone could alter them retrospectively is quite significant. I wanted to ask about unmarried fathers, but you have, essentially, answered my query about the changes that would apply to them. I also wanted to raise the point about data security, given the recent review and incidents that have occurred. You have fully explained that matter as well. Therefore, I am happy to leave it there.

43. Dr Farry: I want to follow up on Peter's point about security. Presumably, there would be a risk of people hacking into the central systems, which must also be taken into account. There are security risks associated not only with fraud but with terrorism, for example. Presumably, you are conscious of that problem.

44. Dr Caven: Our systems are not available to the public. The registrar links into the General Register Office database, which is for the non-historic records, and that is how it will remain. We will have a bespoke system that will have all the firewalls and Government ISO standards built in. In a sense, that currently exists.

45. Dr Farry: People hacked into the Department of Defense's computer systems in the United States. The skills of hackers have improved.

46. Dr Caven: You are right; it is important to stay one step ahead of hackers. Such issues will be under continuous review.

47. Dr Farry: Will there be a cross-referencing process that will highlight any illegal operating of the system by a hacker?

48. Dr Caven: It is unlikely, even if someone did hack in, that they could make alterations to documents. To do so would require further passwords and authentications.

49. Dr Farry: That is an issue that should be considered in the future.

50. People here have access to UK passports and Irish passports. Although a different legal regime exists in both countries, will the system that you are offering apply to UK passports only, or could it be extended to Irish passports? Given Northern Ireland's particular circumstances, the potential for the new system to be available to people from both countries has obvious attractions.

51. Dr Caven: We would have to consider the policy and legal implications of that.

52. Dr Farry: In order to be fair across the board, that issue may be worthy of consideration. It would also be useful for electronic signatures and passport applications.

53. Mr Storey: You said that there will be a certain cut-off point for particular types of information. What amount of information will then be available? Will it be the entire record, or will it be only a certain amount of the record?

54. Dr Caven: The digitisation work involves taking an image of the record entry, from which an index that dates back to the mid-nineteenth century will be created. A similar system is currently in place in Scotland in which people can search the index. They can search only a number of restricted fields, such as surnames and dates of events. Therefore, people cannot surf through the records. We want to guard against that.

55. Armed with certain information, which people will need to know in advance, they can then search the index. In the case of the historic records, that then affords them the opportunity to purchase and download the required records via the Internet. People have to be in possession of a certain amount of information to enable them to get to that stage, which we believe is appropriate.

56. Mr Storey: You gave one example of when an abbreviated death certificate may be required. Are there any other circumstances in which one may be required?

57. Dr Caven: The abbreviated version will sit alongside a full death certificate. Some people may require a full death certificate because that can be important for epidemiological research; therefore, we do not want to stop recording causes of death. A vast range of research is conducted under strict and controlled conditions using such data.

58. Someone may die from a disease about which his or her family is sensitive. The abbreviated death certificate could, in such circumstances, be used for the purpose of closing a bank account without a member of staff of the bank knowing about the disease. That is perfectly reasonable. The feedback from the consultation indicated that that was the type of issue that caused people concern. No other fields on death certificates raised the same types of issues.

59. The Chairperson: In October 2007, the Committee was briefed on the consultation process of the previous year. Are you satisfied that the Bill now addresses all the issues that came to light during that consultation process, or are there still some concerns about the Bill?

60. Dr Caven: We did not proceed with anything contained in the Bill that did not receive approval during the consultation process. A few items that were consulted on have not been included because it is better to make progress with those via administrative rather than legislative measures, such as the opening times of register offices. That matter would be better progressed by iteration between the district councils and us.

61. Ms Annette Gilkeson (Department of Finance and Personnel): We discussed new services that would be introduced by local authorities. However, after consideration, we decided that that

was not the most appropriate way to make progress. There was also a very mixed reaction from the public on that proposal. We plan to work directly with each district council on those issues, because they would sit better with well-being powers as they do with local authorities in England that deal with those matters.

62. Dr Caven: Those were matters such as the reaffirmation of vows, civil marriages or baby-naming ceremonies for those who did not want a religious event.

63. The Chairperson: Were there any new provisions or additions that did not form part of the consultation process?

64. Dr Caven: Those were largely clarification points that would use the Bill to avoid doubt in some cases; for instance, a "live birth" means a birth in Northern Ireland. There are a number of others of that nature.

65. Ms Gilkeson: One provision tidies up, and modernises, the existing legislation. The Births and Deaths Registration (Northern Ireland) Order 1976 states that certificates can be reproduced by xerox. The provision ensures that we are able to reproduce an entry by any future electronic means or any other modern means that may be necessary.

66. A clause has been introduced to remove the need for reproduction or replacement registers to be authenticated by the signature of the Registrar General. That is a purely technical change. There is also an additional clause concerning the issue of short birth certificates; that is a consequential change because of the removal of geographic restrictions. In addition, the entries in registers are evidence. In the future, if remote registration is used, the need for an informant to sign to verify an entry will be removed.

67. Another clause updates documents for which the General Register Office may charge a fee. Those are, more or less, technical issues that concern the operation of the service rather than what the General Register Office provides to the public.

68. The Chairperson: I remind the Committee that the Second Stage of the Bill will be introduced on 24 June 2008; it will then be referred immediately to the Committee for detailed consideration. Thank you very much.

14 January 2009

Members present for all or part of the proceedings:

Mr Mitchel McLaughlin (Chairperson)

Mr Simon Hamilton (Deputy Chairperson)

Dr Stephen Farry

Mr Fra McCann

Ms Jennifer McCann

Mr Adrian McQuillan

Mr Declan O'Loan

Mr Ian Paisley Jnr

Ms Dawn Purvis

Mr Peter Weir

Witnesses:

Mr Robert Davison Association of Professional Genealogists in Ireland

Mr Steven Smyrl Council of Irish Genealogical Organisations

69. The Chairperson (Mr McLaughlin): I welcome Robert Davison, the honorary secretary of the Association of Professional Genealogists in Ireland (APGI), and Steven Smyrl, the executive liaison officer for the Council of Irish Genealogical Organisations (CIGO). Thank you both for attending the Committee, and I wish you all the best for 2009.

70. As the Committee previously agreed, the session is being recorded by Hansard. Therefore, all mobile phones must be turned off completely.

71. I invite the witnesses to make an initial statement. I understand that you are content with some of the responses issued thus far from the Department of Finance and Personnel, but perhaps you might bring your outstanding concerns to the Committee's attention.

72. Mr Steven Smyrl (Council of Irish Genealogical Organisations): I have prepared a short statement about Mr Davison and myself, and the issues at hand. Shall I go through my presentation? Would that be easier?

73. The Chairperson: Sight unseen, I will take your guidance.

74. Mr Smyrl: I represent the Council of Irish Genealogical Organisations. I have practised as a specialist in legal and probate genealogical research since the late 1980s. I am a founding member of CIGO, of which I was chairman from 2000 to 2002. In 1991, I founded Massey and King Ltd, the Republic of Ireland's only incorporated firm dedicated to legal genealogy.

75. CIGO was established in 1992, as a lobby group for national and international organisations that were interested in Irish genealogical research. It aims to provide a forum for family-history and genealogical groups and societies; to encourage greater public knowledge of, and access to, records that are relevant to genealogists; and to formulate, influence and co-ordinate policy on all issues of concern to member organisations.

76. My colleague is Robert Davison, who represents the Association of Professional Genealogists in Ireland. Members of APGI are independently accredited genealogists. After his retirement from the British Transport Police, Mr Davison moved to the Ards Peninsula in County Down, where he took up a long-time interest in his own Irish family history, and joined the North of Ireland Family History Society and the Upper Ards Historical Society. He has practised as a professional genealogist since 1997, specialising in genealogical probate and adoption research. He became a member of APGI in 2003. In December 2008, he completed a three-year term as the organisation's honorary secretary.

77. The daily work that Mr Davison and I do involves accessing civil registration records in Belfast and Dublin, and through the various county-based genealogical heritage centres that have access to historical registration data. We have each lectured extensively on the use of such records in the study of genealogy. With another colleague, Eileen O'Duill, I compiled a guide to Ireland's civil records, which was published by CIGO in 2000. We have brought a few copies for the Committee.

78. When the Republic's General Register Office (GRO) announced in the 1990s that it was to modernise legislation — much of it dating back to 1844 — that underpins civil registration, CIGO and APGI were to the fore in lobbying the relevant Department in the Republic in order to ensure that genealogists' views were heard. Over several years of contact with the Minister for Health and the GRO, we convinced the authorities that access to registration data, which are a matter of public record, must not be curtailed.

79. Beyond that, CIGO and APGI secured a commitment to improve data recorded in death registrations in order that a person's date and place of birth, and parents' full names, would be recorded. That small change in data collection revolutionised the credibility of the Republic's death registrations.

80. CIGO and APGI welcome the Civil Registration Bill, which will help to create a new and modern framework for civil registration in Northern Ireland, and make it easier for genealogists and historians to access historical registration data.

81. CIGO and APGI had initial reservations about clauses 13, 16 and 22. Clauses 13 and 22 deal with access to historical registration data through third parties and will lead to an innovative, Internet-based service. The importance of the reference to third parties is that current legislation states that registration data are available only in the form of a certificate issued by a registrar. To allow certain data to be passed to a third party will enable the General Register Office for Northern Ireland (GRONI) to establish Internet access to its historical records. CIGO and APGI very much favour that development, but we were concerned that clarity was needed about the wording of a clause that would insert a new article 34A into the Births and Deaths Registration (Northern Ireland) Order 1976.

82. Clause 16 will enable GRONI to issue edited certificates; for instance, death certificates that omit the cause of death. For example, submitting a death certificate to a bank does not require one that states the cause of death. CIGO and APGI were concerned that the issuing of edited certificates might be done to the exclusion of unedited, or full, certificates.

83. However, in the past few days, in response to our submissions made in August 2008, the Department has clarified some of those issues.

84. In the light of that, we are happy to withdraw completely our suggested amendments to clause 16, and almost all of what we suggested on clauses 13 and 22.

85. We wish to see the heading changed in clause 13 at lines 8 and 11 on page 5 of the Bill. Both headings currently read:

"Access to information relating to births and deaths".

86. We wish to see both headings changed to read:

"Access to historical information relating to births and deaths through third parties".

87. We wish to see the heading in clause 22 at line 23 on page 8 of the Bill changed from:

"Access to information relating to marriages and civil partnerships"

88. to

"Access to historical information relating to marriages and civil partnerships through third parties".

89. Having read through the Department's response to our original submissions, which was mentioned earlier, we are now of the opinion that our new suggested minor changes will do much to improve the clarity of clauses 13 and 22. Furthermore, the new wording will ensure that the Bill is easily understood by people who are unfamiliar with legislation.

90. Lines 18 to 24 in clause 13 and lines 31 to 33 in clause 22 deal with the issue of where to draw the line between a "current" record, which can only be obtained in the form of a certificate from a registrar, and a "historical" record, which can be made generally available through third parties. The Bill sets the tariffs at 100 years for births, 75 years for marriages and 50 years for deaths, and describes those tariffs as the "relevant period".

91. In his recent response to CIGO's initial submission, Norman Irwin spoke on the Department's behalf on the subject of "relevant periods". He said:

"CIGO have suggested restricting GRO's power to extend 'the relevant periods' beyond those given in the Bill. GRO included these timeframes as it was considered that this proposal balances the individuals' and the families' rights to privacy against the need for openness. However, GRO consider it is prudent to have this power included so that 'relevant periods' could be extended in the future, if necessary. It should be noted that any future changes GRO may wish to make to the 'relevant periods' contained within the Bill would have to be made by means of subordinate legislation which would be subject to legislative scrutiny."

92. With regard to possibly extending the "relevant periods" beyond those given in the Bill, the Department's suggestion that they consider it:

"prudent to have this power included so that 'relevant periods' could be extended in the future, if necessary"

93. is far from convincing. After at least two periods of intensive consultation, GRONI surely cannot argue that it has not yet established where privacy ends and open access begins. Has it not been able to strike a balance between the rights of individuals and families and the need for openness? The "relevant periods" are already well in line with international standards and could be described, when compared with some other jurisdictions, as conservative. CIGO and APGI believe that the periods set out in the Bill are more than adequate and allow that, as a general rule, the subject — the person named in each record — will, by the time a record achieves "historical" status, have been born a century or more earlier. Bearing that in mind, CIGO and APGI are keen that their proposed amendments to lines 18 to 24 on page 5 and lines 31 to 33 on page 8 of the Bill be given further scrutiny and accepted.

94. In its response to our original submissions, the Department raised the issue of improving the range of data recorded in civil records. It indicated that it intends, by regulation, to commence recording extra detail in death registrations. The extra detail would include the occupation of a husband's wife, and the names and occupations of parents of children who die before reaching the age of 16. Interestingly, although the Department implies that there will be genealogical value in that new information, none of that extra detail is being recorded on foot of consultation with genealogists. GRONI is already well aware that CIGO and APGI would like the recording of parents' names extended to all persons who die, and not just to those under the age of 16. I raised that issue with GRONI's Stanley Campbell as recently as August 2008, and pointed out that, on foot of representations by CIGO and APGI, such information has now been a matter of record in the Republic of Ireland since 2006.

95. Given that, we wish to make a case for improving death registration in Northern Ireland by including — in addition to the deceased's date and place of birth — his or her parents' names, too. Beyond mere genealogy, the importance of recording parents' names in death records is that it allows death records to be matched to birth records, thus proving beyond reasonable doubt that a particular person has died. That is vital when dealing with the important subject of inheritance and intestacy. One might call the matching up of birth and death records a game of "genealogical snap".

96. Since 1973, GRONI has recorded the date and place of birth, and maiden surname, of married women in all death registrations but does not record the deceased's parents' names. Until the passing of its Civil Registration Act in 2004, the Republic did not include any additional information to the meagre data recorded since registration first began in 1864. It was only after extensive lobbying by CIGO and APGI that provision was included in the Republic's new Act for the recording of a deceased person's date and place of birth and parents' names. The fact that such details are not currently noted in Northern Ireland is an urgent issue and one that GRONI should address, particularly because as it can be argued that clause 27, which will establish a record of Northern Ireland connections, is not in any way urgent but is designed to be a register of value to genealogists.

97. On 28 May 2008, during an evidence session with the Committee of Finance and Personnel, Northern Ireland's Registrar General, Dr Norman Caven, said of clause 27:

"We are planning a book of Northern Ireland connections so that individuals who have a connection with Northern Ireland could register events, births, deaths or marriages that happen outwith Northern Ireland. Such registrations would not have any legal standing but would be an additional valuable resource to genealogists. That is being undertaken in Scotland and has been well received. It is another area where we see a potential improvement but which would be paid for by users and not be a cost to the public purse."

98. We hope that you have had the time to read the copy of a newspaper article about the improvement of data in death registrations, which was attached to the briefing notes that we provided last week. The article, which I wrote, appeared in 'The Irish Times' in January 2003 in response to a statement by the Republic's General Registrar Office that the inclusion of further data in death registrations would:

"be outside the requirements of civil registration".

99. The article compared the situation regarding registration of deaths in the Republic at that time with both Northern Ireland and the European Union, and, through quoting the United Nation's civil-registration policy, it challenged the status quo and highlighted the crucial need for change. Subsequent to our lobbying, the recording of deceased people's parents' names in death registrations is now a reality in the Republic. CIGO and APGI believe that Northern Ireland should now follow suit. In the near future, the Department intends to replace the 1973 registration regulations, and we hope that the Committee will recommend that the new regulations make provision for the noting of parents' names in death registrations.

100. Mr Weir: Thank you for your presentation. For a second, I wondered whether you were going to trace the antecedents of the Bill, back a couple of centuries, to previous pieces of legislation. I am glad that you resisted that temptation.

101. You have received various bits of communication from the Department and, to some extent, several of your concerns have been addressed. If I picked you up right, your remaining concerns deal with three particular aspects: minor amendments to the wording of the Bill; the potential to vary "the relevant period"; and what information is included on a deceased person's certificate, which is the biggest issue that you want to see addressed.

102. Mr Smyrl: Technically, our concern about the information that is included in the Bill on a deceased person's certificate is askew, because the Bill does not deal with that issue. It was the Department that raised the issue of improving information in civil records, so I took the tack to slip in some extra information and make a plea for that to happen.

103. Mr Weir: Given that your concern is relevant to the legislation but somewhat askew to its wording, will you seek to take separate action rather than to incorporate a provision into the Bill to address that?

104. Mr Smyrl: I had not considered that, because our concern is not really relevant to the Bill. The information that is collected on birth, death and marriage registrations in Northern Ireland is set, I think, by regulations. In the Republic, they are called statutory instruments.

105. Rather, I raised the issue to highlight the fact that not only will the legislation be updated but new regulations will be introduced to deal with the collection of registration data. I mentioned earlier that, in future death registrations in Northern Ireland, the parents' names of all children aged under 16 years who die will be recorded.

106. At present, when a married woman dies, she is said be the wife of so-and-so, a carpenter. However, when man dies, he is not said to be the husband of, for example, Florie, a housewife. That will be included in future.

107. Mr Weir: On the minor changes to wording, you received responses that satisfied you on the bulk of the issues. However, that area particular remains outstanding. Are you still pursuing that issue with the Department? I presume that the Department's mind is not closed to making those minor changes, and that you will pursue the matter further.

108. Mr Smyrl: Yes, we will go back to the Department. However, I hope that the Committee will recommend some changes.

109. A change to the heading to clause 13 will not change the Bill materially. However, in reality, that whole part of the Bill, which must be read through, and I not immersed in legal terms for legislation, is about access to historical information. There would be no harm in the heading's stating that clearly.

110. Mr Weir: The Committee can look at that issue.

111. I understand your concerns about the relevant qualifying period. However, to be fair to the Department and to those who drafted the Bill, there may not be any sinister motive behind the general provision to vary timescales. That is normal practice with many pieces of legislation in which there are references to time frames. There is a feeling that the original legislation has got it right; however, there is a general provision that if, at a later stage, something appears that requires a variation, it can be made by subordinate legislation, rather than by having to introduce new primary legislation. I appreciate your concerns, but do you accept that that is a safeguard provision that may not need to be used?

112. Mr Smyrl: Absolutely; it is unlikely — given the statements made today. The issue was raised with the Department, which said that it would be changed anyway. To give it its due, the Department did not pull those dates out of nowhere: 100 years for a birth; 75 years for a marriage; and 50 years for a death. The thinking was that a person would be 100 by the time his or her birth record would be available as a historical record. If a person were to marry at an average age of 25, 75 years later would make him or her 100 years old. Therefore, if someone died somewhere between 50 and 70 years of age, he or she would be more than 100 years of age 50 years later. The figures make sense. I would have liked to have seen them closed off, but I agree with Mr Weir that it is very unlikely that the Department will want to vary them — even though there is provision in the Bill for that. It is not the end of the world if the Department decides not to do that, but we have had our say and made our point.

113. The Chairperson: In the event that the power be included in the Bill, should the matter be referred to a plenary sitting and be subject to affirmative resolution?

114. Mr Smyrl: To my mind, it seems immaterial; it is a standard issue. For instance, in the United Kingdom and the Republic of Ireland, census records are made available once they are 100 years old. It seems to be an accepted instance that 100 years after a person's birth, or after the creation of a record, that information should be made available. I take on board what Peter Weir said about its being a safeguard — it allows for the legislation to be changed easily at a later stage without having to have recourse to primary legislation. However, it is an unnecessary measure, because one is not likely to lengthen the periods for which one would create a record as a historical record. Anything longer than that would be 100, 110 or 120 years.

115. Mr Hamilton: Does the General Registrar Office in the Republic intend to make pre-1922 records for the whole of Ireland fully and freely available on the Internet?

116. Mr Smyrl: The General Register Office in the Republic has a long-standing, ongoing policy to make information available on the Internet eventually. Given the current financial situation, such a development may be a long way off. On numerous occasions, we have been promised access to the new computerised index of births, deaths and marriages that the GRO in Dublin has created. However, we still do not have access to that index.

117. Mr Hamilton: Does GRONI intend to make post-1922 records available on the Internet as well as offering access to the records in its office for a fee?

118. Mr Davison: I am a member of the GRO users group. As far as the group is aware, post-1922 records will not be available on the Internet. The idea is to make historical records available to enable users to conduct index searches and view digitised versions of the records.

119. Mr Hamilton: If post-1922 records are available on a fee-paying basis only, will that pose problems for genealogists? Is it a competitive disadvantage?

120. Mr Davison: Genealogists and researchers want all information to be made available. However, we realise that, for obvious reasons, limits are necessary. It is positive that GRONI is taking steps to introduce a digitisation process for historical records. Although the current search facility at Chichester Street is, occasionally, slightly restricted, it provides a very good service within those limitations. Post-1922 records are available there and will, I hope, continue to be available there.

121. Mr Hamilton: If public authorities were to make records available online, would that encourage more people in Northern Ireland, and in Ireland as a whole, to trace their roots? Have you conducted any empirical research into that matter?

122. Mr Davison: It is a given that if we provide easier access to information, more people will use that facility. More and more information is being made available online daily through Departments, agencies and commercial organisations. In fact, the 1911 UK census was placed online yesterday. We are keen to keep that information coming.

123. Mr Hamilton: The more the merrier. Your earlier submission mentioned the Church of Jesus Christ of Latter-day Saints (LDS). Are its records freely available in libraries and in its Churches in Ireland and the UK? Or are they available in Salt Lake City in Utah only?

124. Mr Smyrl: As part of its belief system, members of the LDS Church trace their ancestors and baptise them as members of the Mormon Church. That should not affect other Christian

Churches that do not share those beliefs. The LDS Church actively encourages outside parties to view its material. During the past 50, 60 or 70 years, it has assiduously microfilmed and made copies of records.

125. Although I do not know the history of the matter, in the 1950s, the LDS Church convinced the GRO in Dublin and in Belfast to allow it to microfilm copies of records. Although there was no legal provision for such action, an agreement was signed and the records were copied. Almost all Dublin's records, which, prior to 1922, covered all of Ireland, were microfilmed. However, every single birth, death and marriage in Northern Ireland and the associated indexes from 1922 to 1959 were microfilmed and stored in the Church's library in Salt Lake City. The LDS Church can copy the microfilms from the negative to create a positive, and circulate the records to any LDS church that has an attached library. The LDS church on the Holywood Road in Belfast had copies of many of Northern Ireland's post-1922 births, deaths and marriages, and associated indexes, which it made available.

126. Those were withdrawn about a year ago, and we heard that that was facilitated by negotiations with the General Register Office in Northern Ireland. Making the films available was contrary to the agreement that was struck between GRONI and the Church of Jesus Christ of Latter-day Saints in 1959-60. I appreciate that GRONI has reservations about that, but the films should have been readily available. It seems bizarre that, although the same information can be obtained free of charge in various libraries around the world, Northern Ireland citizens must pay GRONI to see it.

127. Mr Hamilton: Near the end of your presentation, you mentioned additional information on death certificates in the Republic. You said that, in Northern Ireland, information is available only on death certificates for children up to the age of 16. Is there any reason why a more conservative approach is being taken in Northern Ireland?

128. Mr Smyrl: It is actually the other way around. The Department is suggesting that genealogists should be thankful and pleased that that new information will have genealogical value. However, it was not recorded for its genealogical value but for its statistical value. The most useful new information will be that information relating to children who died before the age of 16 and the names and occupations of their parents. Recording details about a deceased husband's wife is about parity of esteem; a wife must not be treated as her husband's chattel, and, therefore, a husband's death record should state the name of his deceased, or living, wife.

129. In order to illustrate why such information should be included on death records, take, for example, an individual called John Murphy, who was born in Limerick. Up to two or three years ago in the Republic, exactly the same information was recorded on death records as was recorded on records going back to 1864: a person's home address; occupation; age; and cause of death. If John Murphy were born in Limerick and died in Dublin, the only identifying information on his death record would be his name and age — John Murphy, age 67, died Dublin — but there would be nothing to say that he was born in Limerick. Therefore, when attempting to demonstrate that an individual had died, it was difficult to match one record with another.

130. Since 1973, death records in Northern Ireland have sensibly included individuals' date and place of birth, and that at least provides one with some idea when attempting to match birth and death records to prove that someone has definitely died. One problem that can arise from that is that dates and places of birth can be wrong. Consequently, one can end up not being absolutely sure, so the proof positive is to include parents' names, and that is why including such information would be a great boon to genealogists. Moreover, having worked as a legal genealogist, I know that it is important to be able to say to a solicitor that John Murphy died on a particular date in a particular town, and here is the death record, on which the information matches that on the birth record — snap, two matching records.

131. Mr Davison: As someone who deals with adoption tracing, I agree that such a paper trail is invaluable.

132. Ms Purvis: To return to what Simon Hamilton said about the Church of Jesus Christ of Latter-day Saints and the removal of records from its Family History Centre on the Hollywood Road, you said that the agreement with the church more than 40 years ago would be unlikely to have withstood legislative changes in recent years. Will you elaborate on that?

133. Mr Smyrl: I was necessarily vague, because I cannot pretend to be an expert in that area. However, I was attempting to say that, given the UK's Freedom of Information Act 2000 and Data Protection Act 1998, I cannot envisage a contract made more than 40 years ago, which insists that people in Northern Ireland must pay to access information that the body charging for it has allowed a third party to make available outside Northern Ireland free of charge, still being valid. That seems inequitable.

134. Ms Purvis: Therefore, would you be an advocate of making those records freely available at the Family History Centre on the Hollywood Road?

135. Mr Smyrl: Yes, I would.

136. Ms Purvis: Or would you prefer that they be available at GRO for free?

137. Mr Smyrl: I do not want to say whether the GRO should provide free access to its records. It must be allowed a means of gaining revenue — one cannot provide free service and access to everything. The LDS Church already has copies of those microfilms, and, until a few years ago, it made them available through every one of its libraries worldwide. Now we are being told that it can provide them free of charge at every library across the world except at those in Northern Ireland. I do not know whether there is more than one located in Northern Ireland, but the LDS Church has one at the Hollywood Road in Belfast.

138. The Chairperson: I thank the witnesses for the information and evidence that they have provided.

139. The Committee will consider that evidence, and the general body of evidence relating to the Civil Registration Bill, at next week's meeting. Does the Committee agree to forward to the Department of Finance and Personnel the Hansard report of the discussions on the Bill from 28 May 2008? We can also send it the briefing paper received from organisations today, the response from the Foreign and Commonwealth Office, and any other outstanding issue raised at today's meeting. We will ask the Department for a written response on all outstanding issues by the end of this week. That will fit into our agreed programme of work.

140. Thank you all very much for taking the trouble to come to talk to the Committee this morning.

21 January 2009

Members present for all or part of the proceedings:

Mr Mitchel McLaughlin (Chairperson)

Mr Simon Hamilton (Deputy Chairperson)

Dr Stephen Farry

Ms Jennifer McCann

Mr David McNarry

Mr Adrian McQuillan

Mr Declan O'Loan
Mr Ian Paisley Jnr
Ms Dawn Purvis
Mr Peter Weir

Witnesses:

Dr Norman Caven
Mrs Annette Gilkeson Northern Ireland Statistics and Research Agency

141. The Chairperson (Mr McLaughlin): I welcome Norman Caven, who is the Registrar General from the Northern Ireland Statistics and Research Agency, and Annette Gilkeson, who is the Deputy Registrar General. You are going to take us through the table of issues. Members can interject on an issue-by-issue basis if they wish to further clarification.

142. Dr Norman Caven (Northern Ireland Statistics and Research Agency): Good morning. I will move forward on that basis and talk about the comments received and about the departmental comments.

143. The first issue relates to clause 8 of the Bill, which deals with the registration of deaths. Clause 8 is more concerned with allowing deaths to be registered at any registration office in Northern Ireland, and it talks about the potential for remote registration of deaths rather than actually attending the registration office. The issue arose during discussion of the clause with the genealogists, so it is not a point in the Bill itself. Current legislation, which is the Births and Deaths Registration (Northern Ireland) Order 1976, makes provision for us, by regulation, to specify what information needs to be collected at the time of death. Therefore, it does not necessarily pertain to the Bill. It is something that we would come to in the regulations, but we may consider the issue anyway at this point.

144. The representatives from the genealogical organisations were concerned that the General Register Office for Northern Ireland was not collecting information about the names of the parents of the deceased person at the time of death, and wished that to be included. During the consultation, the Department proposed that we collect information, in that respect, for deceased children under the age of 16, mainly for epidemiological purposes — analysis of death by social class, because children under 16 do not have a social class. We will look favourably on the proposal and give it further consideration before the regulations come into effect, subject to any disproportionate burden that might be placed on respondents.

145. The system seems to have been working well — in Scotland since 1855 and in the Republic of Ireland since 2006. Subject to the above caveat, we will be prepared to move forward on this matter. In Scotland, particularly when an elderly person dies and the information is not readily available, it is not strictly necessary to include information about the names of the deceased's parents.

146. Dr Farry: You have more or less answered my question. How will the regulations be framed? Would it be a case of when the information is readily available, it will be included. How much of a burden will be placed on people to obtain that information? If a family member is registering the death of an elderly person, he or she may well know the names of the deceased's parents. If that person is not a family member, it may be more difficult.

147. Dr Caven: In Scotland, individuals registering a death are instructed, where possible, to submit a copy of the birth certificate and the marriage certificate. We will consider following that model. However, it is not a compulsory part of the registration process, which is made plain at

the time. We will look more closely at that, and at how the system operates in the Republic of Ireland, so that we will know how to phrase the provision, but the aim is to ensure that there is no disproportionate burden.

148. Dr Farry: In what percentage of registrations of deaths in Scotland is such information recorded?

149. Mrs Annette Gilkeson (Northern Ireland Statistics and Research Agency): The majority of deaths in Scotland are registered with that information included. The Scottish authorities already have the additional benefit of having records in digitised form. That means that the registrar has the option of checking records on screen while the informant is present.

150. Mr O'Loan: I am sorry if I missed your introductory comments. I wished to raise three points, including the matter of a deceased person's parents. I tuned in to what you were saying about considering that issue, and I support that idea. If it can be done, it would be a good thing, with the protection that it would not be an absolute requirement, because of the attendant difficulties.

151. My second point is about the evidence given by the genealogists, who referred to the agreement with the Church of Jesus Christ of Latter-day Saints that was made in 1959. They said that it would not stand up —

152. The Chairperson: We will come to that.

153. Mr O'Loan: I am sorry.

154. The Chairperson: That is OK.

155. Dr Caven: The next comments relate to clause 13. The genealogists have accepted the Department's assurance that the article being introduced by clause 13 is not designed to deny access to registration data. That was certainly not our intent, and the genealogists are prepared to withdraw their proposed amendments, with one exception, which concerned the title of the clause. They asked for a specific reference to historic information to be included, and said that the insertion of the word "historic" would be beneficial.

156. The clause makes provision for access to the registers. Currently, people are afforded access to the indexes, but they do not have access to the actual register entries. Access to those is provided by way of copies of the entries. This clause will open up access to the register entries themselves — as has been the case in Scotland for a considerable period of time — and that universal opening up will be provided by the new article 34A(1).

157. For those records that will be made available on the internet, we will be inserting an additional caveat of "the relevant period", meaning that access to death records will not be available until after 50 years has elapsed, marriage records will not be available for 75 years and birth records for 100 years. That caveat will only apply to the records that will be available on the internet, in order to prevent casual browsing, and it relates not just to historical records — pre-1922 — but to all records. Therefore, we feel that the insertion of the word "historic" is inaccurate, and we are not proposing to insert it for that reason.

158. Ms Purvis: Article 34A will provide for access to records via the internet. Will those records be free to view?

159. Dr Caven: No. The intention, which we will come to later, is that a fee will be paid, as is the case throughout the British Isles. That fee reflects the cost of the service, and the principle in all registration work is that the cost of the service is passed on to the customer.

160. The genealogical groups were also concerned about the phrase "the relevant period" and wondered whether the Department could vary it; albeit in regulations. I believe that the provision was discussed with those groups last week, and the point was made that the position that the Department would adhere to is that to allow for future concerns to be communicated, it is normal practice when timescales are specified, for contingencies to be established to vary those timescales if required. Any attempt to vary the timescales would be subject to legislative scrutiny.

161. If the proposed timescales were to be changed, the likelihood is that the periods would be shortened. However, there is a counter argument that if people are living longer, the number of who would be over 100 years old could increase quite significantly. That would mean that allowing a birth record to be made available after 100 years could become more of an issue. Therefore, having the option to vary the timescales is prudent.

162. The Chairperson: The Committee has raised the issue of whether there is any merit in the related subordinate legislation being subject to affirmative, rather than negative resolution. That would mean that the Assembly would be able to exert its views on the issues. Do you have a view on that?

163. Dr Caven: The regulations we will introduce, subsequent to this Bill, will consolidate all of the regulations contained in the Births and Deaths Registration (Northern Ireland) Order 1976 and this Bill. That legislation will be enacted by negative resolution as there is no need for affirmative resolution in any of the other clauses. Introducing a particular clause, to be enacted by affirmative resolution, would require a separate regulation. From the Department's perspective, negative scrutiny still provides an opportunity to question what the Department is doing.

164. The Foreign and Commonwealth Office is concerned that the reference in clause 14 to "any register" implies that the Registrar General will be making alterations to foreign and consular marriages, for which the Foreign and Commonwealth Office has responsibility. The power to make alterations to foreign and consular marriages is not within the compass of the Registrar General's powers. The reference to "any register" was implicitly meant to mean that the Registrar General may alter any register that is within the compass of his powers. If it would help, the Department is happy to provide clarification on that by including a definition of "any register", citing that point in an amendment.

165. The issue around clause 16 has been resolved satisfactorily. I will move to clauses 22 and 23, which were referred to earlier. If members are content with the explanations I gave previously, we can apply those to these two clauses also.

166. The Chairperson: That is sensible.

167. Dr Caven: Clause 27 deals with the record of Northern Ireland connections. I invite my colleague to speak on that issue.

168. Mrs Gilkeson: The record of Northern Ireland connections will be an entirely voluntary scheme, whereby someone who registers an event abroad will be able to register it in Northern Ireland also. That will be helpful for genealogical research.

169. The Foreign and Commonwealth Office is concerned that the proposal will impact on the work of consular officers abroad and that it will have resource implications, because lots of procedures will have to be changed and documentation followed up on.

170. The record of Northern Ireland connections will not impact on the procedures that the consuls and the Foreign and Commonwealth Office operate currently. GRONI will maintain the register and all issues relating to an event — registering, deleting or accessing of records — will be conducted through our office in Northern Ireland; therefore, the Foreign and Commonwealth Office's procedures will not be changed in any way.

171. The Foreign and Commonwealth Office did not contradict this proposal in its latest submission to the Committee. Rather, it focused on elaborating the details of the Foreign Marriage Order 1970. It did not suggest that any changes be made to the Bill. None of the points raised require a change to the Bill as drafted.

172. Dr Caven: A number of other issues that do not relate to clauses of the Bill arose during the course of the Committee's evidence sessions.

173. First, the genealogists who gave evidence said that they did not want any new legislation or regulations that would restrict access to data. In our original consultation for this Bill, we were slightly concerned about the balance between privacy and public access. That has led to the mooting of a suggestion that certain fields might not be available on the records. In view of the consultation responses, and the situation in Scotland, where that system has worked quite well over the past quarter of a century, we have changed our proposals in the Bill. Therefore, that is no longer an issue for those who responded.

174. The Chairperson: I am sure that people will welcome that response.

175. Dr Caven: There was also some discussion about the agreement entered into in the 1950s by the General Register Office and the Church of Jesus Christ of Latter-day Saints to microfilm Northern Ireland civil registers.

176. Information from the registers was then appearing in the Church library in Northern Ireland. The terms of the original agreement provided for a copy of the records to be made available in the Family History Library in Salt Lake City for research purposes and to be available there only to the attention of the Church. Subsequently, the Church has decided to adhere to the terms of that original agreement and withdraw those records from the library here.

177. The Committee posed a number of questions relating to that. The first was whether the General Register Office intends to make the post-1922 records for Northern Ireland available on the internet as well as at the GRO offices in Belfast and in the various district council offices. The answer to that is yes, but that is subject to what I said earlier: it will include the records of births prior to 1909, marriages prior to 1934 and deaths prior to 1959 and, as each year passes, an extra year will be added to those categories.

178. There is also the question as to whether making post-1922 records from Northern Ireland available only on a fee-paying basis, creates a commercial disadvantage to genealogists here. Subsequent to the withdrawal of that information by the Church, post-1922 Northern Ireland records are not available anywhere, other than from the General Register Office, so that there is no disadvantage to any group.

179. Finally, a question was asked as to the correct balance between charging for the information and making it freely available. What would be the impact on tourism? As I said to Ms Purvis, all charging for access to records in Northern Ireland is based on the principle of charging

for the service received. In this case, the service is received by a genealogist or someone who is interested in family history. There is a cost attached to that, which would otherwise be borne by the taxpayer. The principle that the Department adheres to is that a charge reflecting that cost should be levied: that is the case in all registration offices in the British Isles.

180. With respect to tourism, Scotland has a website called "ScotlandsPeople" where such information has been available over the internet for a number of years. No quantitative or before-and-after study has been carried out as to whether it generates tourism: that might be difficult to prove. Despite the fact that the site levies an access charge, it has been successful.

181. The Chairperson: The theory still stands: but it has not been tested.

182. Dr Caven: It is a hypothesis.

183. Mr O'Loan: I wish to make two points. Many think that if records are put on the internet, they should be freely available, for they become almost public records. On first consideration, I think that having a charge, as a barrier to that availability sits ill with me. Various charging mechanisms may be considered: a one-off charge could be levied for people to become registered users, or an annual licence sold. I do not know what system is currently being used. My first instinct, however, is that once such material becomes regarded as of sufficient general use that it is taken out of the protections for the individuals and the families, it becomes a like a public record. If we go so far as to put it on the internet, it ought to be freely available. How do you react to that?

184. Dr Caven: The internet will be only one means whereby people can access the records. People will still be able to go to the General Register Office in Belfast and access them there. That inevitably involves a cost: the time of employees who assist people who arrive in Oxford House to find the information that they seek. We try to work out what the cost is. We will include any updating of the internet system that would otherwise be funded by the taxpayer in the costing regime.

185. Mr O'Loan: I think this is an area in which an economic gain could be made — there has been a reference to tourism. An argument could be made that we would be happy to give away historical information for free, with the expectation that there would be some degree of economic gain elsewhere, but not for GRONI.

186. The Chairperson: We could ask the Tourist Board; I am sure it would be able to put up the money.

187. Dr Caven: If it were helpful, I could provide information on the scale of charges attached to the information in Scotland.

188. Mr O'Loan: The Committee will keep an open mind on the issue. The submission provided by the Council of Irish Genealogical Organisation states that:

"The agreement entered into by GRONI with the LDS Church over forty years ago now would be unlikely to withstand the legislative changes of more recent years."

189. Do you know what legislative changes that refers to?

190. Dr Caven: I have been puzzled by that; I do not know.

191. Ms Purvis: I can clarify that, because it is an issue that I raised with the representatives of CIGO who appeared before the Committee last week. They explained that the legislative changes referred to were in relation to the holding of data and freedom of information. Due to those legislative changes, if the GRONI were to enter into an agreement with the Church now to take those records, that agreement would not withstand those legislative changes because of data protection regulations. It would be like handing over records that belong to someone else.

192. Dr Caven: Certainly, if the agreement entered into in 1959 were entered into now, I would want to take quite a lot of legal advice as to whether it was not ultra vires.

193. The Chairperson: Is that because of the legislative changes, or because of a problem with the original approach?

194. Dr Caven: It is because of the existing legislation.

195. The Chairperson: How can that issue be resolved? Should we just play it safe?

196. Dr Caven: The records that we are making available are public records. Under statute they are available for inspection; we are opening them up more, with certain caveats in relation to internet availability. I do not think we are transgressing any freedom of information or data protection legislation in that respect.

197. Ms Purvis: I would like to return to the issue of cost. I know some amateur genealogists, and people with an interest in family history. For those who may be just beginning a search and may not have the investigative skills of a professional genealogist, the cost can sometimes be off-putting, particularly if they are just beginning with a general search. I take Declan's point about the internet and information being freely available, and Dr Caven's point about other citizens in the UK who use the service paying for the cost of that service. Is there any way in which limited information could be made freely available — for example, names and years — so that those who may just be starting a search can try to find information in the general time frame that they are interested in? If they then require further investigation, they could be charged for that, and for the issuing of certificates, etc.

198. Is there any way in which that information can be made available without an initial charge levied? Somebody could be charged for 10 searches in relation to their great-grandfather, and end up going down totally the wrong line; that is money wasted. Perhaps a limited amount of information from the records could be made available to help people place their search within the relative time period and context.

199. Dr Caven: Are you talking about people who are starting up a search?

200. Ms Purvis: I am talking about not only people starting up, but those who do not have the skills that the professionals have.

201. Dr Caven: The General Register Office offers the facility for an assisted search, which can be a very cost-effective way for someone starting up to begin their search. However, there is a charge to cover the time of the person who provides assistance; I am afraid that I keep coming back to the principle of cost. That can be a useful means of finding your way around the records. An individual can book a time to come into the General Register Office to avail of an assisted search, and a member of staff will assist them.

202. Ms Purvis: I am thinking more about the internet; more and more people are using the internet and therefore would not go into the office.

203. Dr Caven: When it comes to the internet, the website will include a self-instruction section which will advise people about how to use it. However, I am afraid that we still come up against the basic principle of cost.

204. Mrs Gilkeson: It is worth noting that there is a concurrent project to digitise all our records dating right back to the beginning of registration. Following that, we expect to see a significant reduction in cost; an individual will then be able to access records quickly on the internet, and that is a lot more cost-effective than accessing the books in GRO.

205. Currently, a person can pay, per hour, for an assisted search, or, they can look at the indexes and then ask for the records — it costs £12 for a certified copy of each individual record. Once passed, the legislation, coupled with the benefits of the digitisation project that we are currently involved in, will allow us to move to a simplified and more cost-effective system.

206. The Chairperson: Digitisation will open up access. Is there a charge for checking the indexes? Is that a step that an individual can pursue in the first instance?

207. Mrs Gilkeson: There is a charge for checking the index, and that entitles the individual to four free searches each time they come in. However, that can still add up to quite an amount of money. Following the digitisation project, there will be an enhanced index, which means, potentially, that someone could check the index without looking at a digital copy of the actual record. Therefore, more information will be available in GRO and on the internet, for instance, by exposition of a list of common names in Northern Ireland throughout the generations.

208. Ms Purvis: Do you think that those reductions in cost will be passed on to service users?

209. Mrs Gilkeson: Yes; we operate on a full cost recovery basis — there is no profit.

210. The Chairperson: We will move on.

211. Dr Caven: The next issue relates to data security and the risk of people hacking into the central systems. The main General Register Office computer systems are internal and do not have a public interface; nonetheless, as bespoke operating systems, they have industry-standard protection procedures in place, and those are kept under continuous review. There are audit processes and reports built in, which allow GRO to monitor activities carried out on the system. Over and above that, the public-facing material that we will have on the internet will consist of static images, which cannot be manipulated.

212. Mr O'Loan: An intensive review of all Government security in Northern Ireland was carried out following some major releases of information. Was NISRA part of that review, or are you an independent agency? We may have been told that information before, but I do not remember.

213. Dr Caven: NISRA is an agency, but it is not independent, in the sense that it is an integral part of the Department of Finance and Personnel.

214. Mr O'Loan: Were you part of the review, which was reported by Bill McCluggage on a number of occasions?

215. Dr Caven: I do not recall. I will send you a note on that.

216. Mr O'Loan: There was a lot of new thinking about security in the review, and it would seem prudent for NISRA to be linked into any new processes, correctives and protections that were introduced.

217. Mrs Gilkeson: We have appointed an accredited consultant from the communications electronic security group (CESG) listed adviser scheme, a CLAS consultant, and that is in order to implement the British standard for information security management to BS 7799 for current and new systems such as the digitisation project that we are involved in. The CESG is the UK Government's national technical authority for information assurance. A CLAS consultant was appointed to look at the systems that we had in place and to do an IT health check on them. Those systems, as well as the project that we are currently involved in, have been accredited. The CLAS consultant can approve information data on the system up to, and including, "secret" level.

218. Dr Caven: Will that suffice in place of sending you a note?

219. Mr O'Loan: It would also be useful if you were to send a note to let us know whether you were part of the security review process.

220. The Chairperson: Thank you for your assistance.

221. Dr Caven: I have a final point about sharing information with other Departments and the extension to the Irish passport service. Annette was going to say something about that.

222. Mrs Gilkeson: I have been in discussions with the Passport Office in the Republic of Ireland, and there are no electronic links between that office and the General Register Office in the Republic. Any checks that the Passport Office wishes to carry out are done by telephone or by written correspondence. The Passport Office in Dublin has no short-term or long-term plan to initiate any action in that area. As such, it has confirmed that it does not wish to enter into any discussions with us at this point in time.

223. Dr Farry: "Ourselves alone". I presume that the introduction of the use of electronic signatures would be allowed in the proposed legislative or regulatory provision.

224. Dr Caven: We will not require a signature as part of the new process. If someone is doing a remote registration, the legislation will allow us to say that whatever is articulated as being required in regulations for the registration of a birth or other event, with or without a signature, actually constitutes the required record. We will have checks in place so that a birth cannot be registered until we get information from the Health Service that it has actually occurred. In the same way, a death cannot be registered until the medical authorities provide that information. Therefore, someone cannot just come along and register a person as being dead when they are not dead.

225. The Chairperson: Thank you for your assistance. Your responses to the issues were very helpful and constructive.

28 January 2009

Members present for all or part of the proceedings:

Mr Mitchel McLaughlin (Chairperson)

Mr Simon Hamilton (Deputy Chairperson)

Dr Stephen Farry

Mr Fra McCann

Mr David McNarry

Mr Adrian McQuillan

Mr Declan O'Loan

Mr Peter Weir

Witnesses:

Dr Norman Caven
Mrs Annette Gilkeson Northern Ireland Statistics and Research Agency

226. The Chairperson (Mr McLaughlin): During our clause-by-clause scrutiny of the Civil Registration Bill, we will be assisted by Dr Norman Caven and Mrs Annette Gilkeson of the Northern Ireland Statistics and Research Agency. I welcome both of you. Norman, I hope that you did not mind the fact that we were talking about you while you were sitting in the Public Gallery.

227. I remind members, witnesses and those in the Public Gallery that the session is being reported by Hansard. All mobile phones must be switched off, because they interfere with the recording equipment.

228. I refer members to the briefing paper that we have received from the secretariat, which includes the Department's responses to the matters raised by the Committee during its meeting last week. I ask the Committee Clerk to take us through that paper?

229. The Committee Clerk: The paper has been prepared to assist the Committee during its formal clause-by-clause scrutiny of the Bill, which is necessary in order to enable the Committee to prepare its report.

230. I shall quickly highlight some matters that the Committee might wish to consider during the clause-by-clause scrutiny. A range of matters relating to the Bill are not material to particular clauses but they will be reflected in the Committee's report. This session is concerned primarily with matters relating to each clause. Based on the evidence to date, there are only two clauses that might be considered for amendment.

231. Both of the genealogical organisations that gave evidence proposed an amendment to the title of clause 13, and the related clause 22, with regard to marriages, and the Department has provided a response.

232. The Chairperson: I suggest that it might be easier if I ask the Committee Clerk to comment as we are going through the Bill. We shall begin the clause-by-clause scrutiny. If members require further information, they can refer to Norman and Annette. Clauses about which there are no issues have been grouped together.

Clauses 1 to 7 agreed to.

Clause 8 (Registration of deaths)

233. The Chairperson: Members can see the commentary on the matters relating to clause 8. If there are no comments, we shall proceed.

Question, That the Committee is content with the clause, put and agreed to.

Clause 8 agreed to.

Clauses 9 to 12 agreed to.

Clause 13 (Access to information relating to births and deaths)

234. The Chairperson: The Committee Clerk has already flagged up an issue concerning clause 13.

235. The Committee Clerk: The two genealogical organisations that gave evidence to the Committee opposed the provision that gives the General Register Office power to extend the relevant periods, which are currently: 100 years in respect of births, 75 years in respect of marriages and 50 years in respect of deaths. The genealogists argued that those relevant periods are in line with international standards.

236. The Department has provided an explanation for the need for flexibility in the future, and the Committee raised the issue of whether the Assembly's ability to alter those periods could be strengthened by passing future regulations under the affirmative resolution procedure, which would require a vote in plenary session. Therefore, it is for members to consider whether they wish to pursue that proposal, and, if so, the officials might wish to clarify how that could be put into effect. Pursuing the proposal would have consequences for subsequent clauses, and those consequences are highlighted in the paper.

237. The Chairperson: Do members wish to comment on the option to amend clause 13 and on whether it should be subject to affirmative resolution?

238. Mr Hamilton: Is there any particular difficulty in doing that? Although nothing particularly depends on the outcome; equally, that is not a reason not to do it. Would any difficulties be encountered by not seeking to have the clause subject to positive resolution, and is the Bill subject to negative resolution just because that is the way such matters have always been dealt with?

239. Dr Norman Caven (Northern Ireland Statistics and Research Agency): Historically, regulations relating to births, deaths and marriages have been subject to the negative resolution process. Members are correct: it is legislatively possible to decide that clause 13 should be subject to affirmative resolution. However, when we discussed the matter last week we thought that it might be prudent to retain the flexibility. The genealogists had some concerns about that, but it is important to retain a balance between personal privacy and public interest in the records.

240. From our perspective, we wanted to consolidate the existing regulations in the new regulations that we bring before you. It is neater to have all the regulations in one place, not only for officials but for members of the public who may wish to consult them.

241. There is a facility within the negative resolution procedure to ensure that nothing goes through which the Committee is unhappy with. On several of those issues, we would approach the Committee before the Minister decides on the final wording of the regulations to ensure that the Committee is content, although sometimes that is not strictly a part of the negative resolution procedure.

242. In a related matter, if this clause is to be subject to affirmative resolution, are not some of the other clauses equally deserving of affirmative resolution also: for example, the provision relating to remote registration?

243. Mr Hamilton: Norman has raised some fair points. I agree that there is a need for flexibility: that is not a problem. The point made last week about access to hundred-year-old birth records may not be an issue at present. However, as people continue to live longer, we may need the flexibility to change the period. It is also fair to say that within the negative resolution process, the Committee will see the subordinate legislation, and that provides a further opportunity to

take matters to the House if required. I accept the argument that using two ways to pass the legislation would not be as neat.

244. Mr O'Loan: I am content to go along with that, rather than make this clause an exception. It is not as though something will be sprung on us in the future: there will be forewarning.

Question, That the Committee is content with the clause, put and agreed to.

Clause 13 agreed to.

Clause 14 (Correction of errors in registers)

245. The Committee Clerk: The Foreign and Commonwealth Office was concerned as to whether the provisions in this clause would apply to its registers. The Department has offered to include a definition of the term "register" in order to clarify that point should the Committee consider it necessary.

Question, That the Committee is content with the clause, subject to the Committee being satisfied with the wording of the Department's proposed amendment, put and agreed to.

Clauses 15 to 24 agreed to.

Clause 25 (Access to information in the Gender Recognition Register)

246. The Chairperson: The issue of the relevant period comes up again in this clause; however, we have agreed that the Committee is content with the general approach taken by the Department.

247. Question, That the Committee is content with the clause, put and agreed to.

Clause 25 agreed to.

Clauses 26 to 31 agreed to.

Schedules 1 and 2 agreed to.

248. The Chairperson: We now move on to the other outstanding issues.

249. The Committee Clerk: At the previous meeting, the Committee asked the Department to provide some information on the approach to the website that was taken in Scotland. That information is provided in members' papers.

250. The Chairperson: Are members content with the Department's proposed approach regarding access and charging?

Members indicated assent.

251. The Chairperson: Are members content with the Department's proposed approach regarding the Northern Ireland data protection review?

Members indicated assent.

252. The Chairperson: The next step involves the draft report being prepared for the Committee's consideration at an upcoming meeting. In addition to reflecting the outcome of the clause-by-clause consideration, the draft report will include commentary on the various issues that arose. The Committee is required to report to the Assembly by 20 March at the latest, in accordance with the extended timetable for the Committee Stage.

253. I thank Dr Caven and Mrs Gilkeson very much for the support and advice that they have provided throughout the process. The Committee may need their advice again when the draft report is prepared.

Appendix 3

Written Submissions

Foreign and Commonwealth Office

Hi Paula

We talked this morning. I've taken over from Linda Gerrard as Head of Nationality and Consular Registration Section. I believe she has previously provided comments.

On Clause 14 (1) - (2): Correction of errors in registers: The comment on "any registers" implies including those not held with the Registrar General, and therefore any registers held by our missions overseas. GRO NI should not amend Consular Records (Consular registers held by Missions overseas). This should be done by Consular Officers overseas, when presented with relevant documentation.

On Clause 27 (1) - (4): The Record of Northern Ireland Connections:

(1) and (2) This clause would have an impact on the work that Consular Officers do overseas. With around 260 Missions world-wide this could have resource implications if someone applies to be entered in the register. How would this be done? procedures? how would Consular Officers confirm the documentation provided is sufficient to show a connection. Currently on Birth and Death certificates, if it is noticed that there is a Northern Ireland connection an "NI" is shown in the Marginal notes so when the annual returns are sent to GRO England they will ensure the information is copied to you.

(3) Again amending or deleting records would be an issue.

(4) For various reasons it would not be practical and /or possible to allow people to access this information in the approx: 260 missions around the world.

I'm happy to discuss any queries.

Regards

Claire

Head of Nationality & Consular Registration Section

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****By Fax & Mail****

COMMITTEE FOR

15 AUG 2008

F & P

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12th August 2008

Dear Ms. Sandford,

Thank you for your e-mail dated the 3rd July inviting the Council of Irish Genealogical Organisations¹ (CIGO) to make comment and suggestion about the new Northern Ireland *Civil Registration Bill*.

CIGO has made submissions about civil registration in Northern Ireland on two previous occasions. The first occasion was in October 2003 when the General Register Office of Northern Ireland (GRONI) invited views about how civil registration in Northern Ireland might be updated. At this time there was much talk about restricting access to data recorded in Northern Ireland's civil registration records (the earliest of which date back to April 1845). CIGO opposed this suggestion vigorously, pointing out that unlike some countries (such as the USA) Northern Ireland's civil records note very little information: what could in reality be described as the bare minimum. We also brought to GRONI's attention the fact that all pre-1922 civil records for Northern Ireland can already be obtained in Dublin through the General Register Office of Ireland (GROI) and that all records from 1922 to 1959 were – with the co-operation and permission of GRONI- microfilmed by the Family History Library of the Church of Jesus Christ of Latter Day Saints (LDS) at the end of the 1950s. Given this, there would be little point in restricting access to records which can already be obtained in other jurisdictions and places!

In 2006 GRONI published a second consultation paper, entitled *Civil Registration in the 21st Century – Modernising a Vital Service*. Various sections of the consultation paper were far from clear and in its submission CIGO made a very strong argument to ensure that any new legislation or regulations did not restrict access to data recorded in Northern Ireland's civil registration records.

¹ CIGO was established in Ireland in 1992. It is an umbrella-based lobby group for the various national and international organisations sharing an interest in Irish genealogical research.


CIGO is pleased to find that the new *Civil Registration Bill* makes no direct reference to restriction of public access. However we would be concerned that in clause 16, paragraph 39 (b) would appear to suggest that at any future date GRONI could, by prescription, decide to issue certified copies from the registers omitting certain fields of information. We have appended to this letter a draft of a proposed amended wording of clause 16.

It is to be applauded that GRONI is including in the Bill power to allow it to provide an Internet-based access service to older civil records. Provision for this is included in clauses 13 and 22. However, the 'Explanatory and Financial Memorandum' says of clause 13: "*This Clause inserts a new Article 34A into the 1976 Order. Article 34A enables regulations to be made which may: 1) make provision for persons to access birth (not still-birth) and death registration records; 2) make provision for the Registrar General to enter into arrangements with 3rd parties for the purpose of providing access to information contained in birth and death registration records; and 3) make provision for the Registrar General to transfer registration information to 3rd parties, subject to conditions, for the purpose of providing access to such information.*" Yet, the actual wording of clause 13 appears to be in conflict with paragraph (2) (a) & (b) of Article 34 of the 1976 Order, which already clearly establishes a public right of access to registration records. Therefore, in the context it is used paragraph 34 (1) within clause 13 is redundant!

Appended to this letter is a suggested amended version for clause 13, (clause 22 would need to be similarly amended). We accept that it is unlikely to be entirely sufficient, but we hope that it might provide the basis for a clearer wording. We also suggest restricting GRONI's power to extend "the relevant periods" beyond those given in the Bill. Also, we note that the new Article 34A is to be without prejudice to the existing Article 38. We suggest that this should be extended to also include the existing Article 34.

In closing, we would welcome the opportunity to give oral evidence to the Assembly Committee for Finance and Personnel when called to do so. Can you give us any indication at this time when this might be?

Yours sincerely,



Steven C. Smyrl MAPGL FIGRS
Executive Liaison Officer

Paula Sandford
Clerical Supervisor
Committee for Finance and Personnel
Room 419
Parliament Buildings
Stormont
Belfast
BT4 3XX

Certified copies

16. For Article 39 of the 1976 Order (photographic copies, etc.) there shall be substituted the following Article^{3/4}

"Certified copies

39. A certified copy issued under this Order may be—

- (a) made by any method of reproducing a document; or
- (b) a document containing all information from an entry in the registers; or
- (c) a document containing such information as may be prescribed derived from an entry in the registers, but without prejudice to sub-paragraph (b)."

13. After Article 34 of the 1976 Order (searches of indexes and certified copies of entries) there shall be inserted the following Article—

"Access to information relating to births and deaths through third parties

34A.— (1) Regulations may provide for the Registrar General—

(a) to make arrangements with any person for the purpose of providing access to information contained in the registers, subject that the relevant period must have expired in relation to the information; and

(b) for that purpose to transfer information to that person subject to conditions (including conditions as to the making of payments by that person to the Registrar General).

(2) Regulations under paragraph (1) may make provision for any other person to have access on payment of the prescribed fee to any information contained in the registers so transferred.

(3) In paragraph (1) (a)—

"the relevant period" means—

(a) in relation to information relating to a birth, the period of not more than 100 years from the date of the birth or such other lesser period as may be prescribed;

(b) in relation to information relating to a death, the period of not more than 50 years from the date of the death or such other lesser period as may be prescribed.

(4) Paragraph (1) shall not apply to any register of still-births.

(5) This Article is without prejudice to Articles 34 and 38."

The Association of Professional Genealogists in Ireland (APGI)

**c/o The Honorary Secretary, 30 Harlech Crescent, Clonskeagh,
Dublin 14 Website: www.apgi.ie**

(Hon. Sec. personal address: Ballynester House, 1A Cardy Road, Greyabbey, Newtownards, Co. Down BT22 2LS. Tel: 028427 88386. E-mail: rc.davison@virgin.net)

Paula Sandford
Clerical Supervisor
Committee for Finance and Personnel
Room 419
Parliament Buildings
Stormont
Belfast
BT4 3XX

17th. August 2008.

Dear Ms. Sandford,

Thank you for your e-mail dated the 3rd July inviting the Association of Professional Genealogists in Ireland (APGI) to make comment and suggestions about the new Northern Ireland Civil Registration Bill.

APGI has made submissions about civil registration in Northern Ireland on two previous occasions. The first was in October 2003 when the General Register Office of Northern Ireland (GRONI) invited views about how civil registration in Northern Ireland might be updated. In 2006 GRONI published a second consultation paper, entitled Civil Registration in the 21st Century – Modernising a Vital Service. Various sections of the consultation paper were far from clear and in its submission, APGI made a very strong argument to ensure that any new legislation or regulations did not restrict access to data recorded in Northern Ireland's civil registration records.

APGI is pleased to find that the new Civil Registration Bill makes no direct reference to restriction of public access. However we would be concerned that in clause 16, the paragraph 39 (b) would appear to suggest that at any future date GRONI could, by prescription, decide to issue certified copies from the registers omitting certain fields of information. APGI can see no reason why information that has been readily available in civil registration records for many decades should now become selectively available.

It is to be applauded that GRONI is including in the Bill power to allow it to provide an Internet-based access service to older civil records.

APGI is aware that a more detailed response has been forwarded on behalf of CIGO (Council of Irish Genealogical Organisations) and we would not wish to go over the same ground that they have already covered. Suffice it to say that we concur with, and support the views of CIGO.

In closing, we would welcome the opportunity to give oral evidence to the Assembly Committee for Finance and Personnel when called to do so.

Yours sincerely,

Robert C Davison MAPGI
Hon. Secretary

Appendix 4

Memoranda and Papers from Department of Finance and Personnel

Modernisation of Civil Registration Service

24 October 2007

Background

1. Civil registration of marriages was introduced in Ireland in 1845, followed by the registration of births and deaths in 1864. The current framework for the registration of births and deaths in Northern Ireland is set out in the Births and Deaths Registration (Northern Ireland) Order 1976 (hereafter referred to as the 1976 Order). The Marriage (Northern Ireland) Order 2003 replaced complex and outdated statutes. In recent years the General Register Office (GRO) has recognised that the system for births and deaths requires reform to respond more appropriately to the changing needs of society.

2. Civil registration has a vital role in securing and protecting basic human rights. The records provide an individual with a name and identity within society, a facility for marriage or civil partnership, evidence of parentage and evidence of entitlement to inheritance. The information gathered can be analysed to provide valuable statistical information for medical and social research, for example, birth and death rates, causes of death, infant mortality and generally information about the health and social well being of people in the community.

Need for Legislation

3. The registration system for births and deaths was designed to suit the needs and expectations of society many years ago. However, the composition of family units has changed immeasurably and there have been major advances in technology. A more flexible legislative framework for civil registration is required. This would provide for improved service delivery, better access to services and information and the introduction of new and more responsive services. It would also involve much wider use of technology to improve customer service and deliver significant savings, as use of electronic information and services increase. This ties in with GRO's ongoing programme for the digitisation of all civil registration records from the middle of the 19th century. It is anticipated that the project will be completed within the next 2/3 years.

Proposed Legislation

4.

- Greater choice and more flexibility in registering vital events and where these may be registered;
- Changes to procedures for making alterations to registration records;
- Introduction of an abbreviated form of death certificate omitting cause of death as an alternative to the full version (for the purpose of closing bank accounts etc.);
- Provision of commemorative certificates for memorable life events;
- Sharing of registration information in relation to births, deaths, marriages and civil partnerships with all relevant government departments;
- Greater public access to civil registration records;
- Extending information collected at the time of registration.

5. The introduction of Section 13 of the UK wide Police & Justice Act 2006 enables GRO to share death registration information with the police and other law enforcement agencies solely for the purposes of combating fraud. The Northern Ireland Office (NIO) introduced a Commencement Order for Northern Ireland in July 2007. The NIO, in conjunction with GRO, is currently preparing secondary legislation for the sharing of death registration information with government departments and financial institutions for the same purpose.

Position in other UK jurisdictions

6. The introduction of Part 2 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 was the first comprehensive change to Scottish registration legislation since 1965. Changes are broadly similar to those proposed in Northern Ireland.

7. In England & Wales, legislative proposals to modernise the registration system were presented before the UK Parliament in the Regulatory Reform (Registration of Births and Deaths) (England & Wales) Order 2004. The Regulatory Reform Committees reported that the changes were not suitable for introduction by delegated legislation and could only be appropriately considered by means of primary legislation. Officials in England and Wales have not yet progressed this further due to pressure on parliamentary time and forthcoming machinery of government changes affecting the General Register Office there.

8. There are no areas of the Bill that are likely to cause controversy.

Consultation

9. Two previous Consultation Papers, the latest issued in 2006 and entitled 'Civil Registration in the 21st Century, Modernising a Vital Service', sought views from the public on the system for registering births and deaths in Northern Ireland and explained why change is necessary to civil registration if the expectations of the citizen, government and society are to be met. It also provided a vision for a more flexible and efficient service underpinned by modern technology.

10. Respondents to the consultation paper supported a more responsive service with more choice in ways to register vital events, the provision of additional services and increased availability of and use of electronic information. Responses to the consultation have been analysed and used to develop proposals for change. The Consultation Analysis Report is attached at Annex A.

Executive Approval

11. The proposals will be considered by the Executive on Thursday 25 October.

Annex A

Report on Analysis of Consultation Paper 'Civil Registration in the 21st Century – Modernising a Vital Service'

Background

Previously the General Register Office Northern Ireland (GRONI) consulted on a number of proposed changes to improve and modernise the registration service in Northern Ireland. Following that consultation, proposals were drafted and the second consultation paper issued in April 2006 focused on these policies. A list of 30 proposals contained in the consultation paper can be viewed below. Over 500 copies of the consultation paper were issued as well as the paper being made available on the GRONI website. The consultation period ended on 7 July 2006.

Responses

A total of 38 responses were received which came from a range of individuals and groups:

Local Authority	9	23.68%
UK Government	5	13.16%
Legal Sector	4	10.53%
Statutory Body	1	2.63%
Genealogy Individuals/Groups	19	50.00%
Total	38	

A full list of respondents can be found at Appendix A.

Positive Response

The majority of responses to the proposals were positive. They confirmed support for enhancing registration services provided to the public and government including the removal of geographical restrictions on the registration of life events, allowing registration staff to amend minor errors in registrations, the issue of abbreviated death certificates, the computerisation of existing GRONI records, the release of electronic information of events to government departments and outside bodies and the provision of a facility for people with NI connections to have life events that have taken place in other countries recorded in the registers of the Registrar General.

Negative Response

A few respondents felt that proposals 2, 6 & 14 regarding the provision of facilities to register life events by electronic communication without an informant being present could lead to inaccuracies in the registration information with the increased risk of fraudulent registrations. It is accepted by GRO that a very robust system would be required to verify the identity of the informant.

Proposal 10 & 11 to introduce new procedures for adding/changing a child's forename under the age of two and extending the name change procedures to all children from birth to 18 years attracted a few negative comments where it was felt that this would encourage parents to change children's names 'on a whim' without due consideration.

Proposal 18, to allow local authorities to introduce new services to mark life events elicited 4 negative responses from local authorities and an individual respondent as it was felt that it would increase the workload in registration offices and that it had the potential to undermine the moral fabric of society.

Proposal 21, to introduce a new framework for accessing registration records, which would distinguish between recent and older records, generated the highest level of negative responses initially. However, there was some misunderstanding about GRONI's intentions, which were further clarified in a letter to the relevant respondees. The intention was that the restrictions would only apply to records, which in the future, would be made available on the Internet and not to GRO and DRO records which would be fully open to the public. This is in agreement with the general feeling amongst the majority of the respondents that no restrictions should be placed on accessing registration records in GRONI or the District Registration Offices (DRO). Widespread support was received for access to older GRO records on the Internet but some respondents felt that the Internet framework proposed by GRO was too restrictive and should be set at 70 years for births, 40 years for marriages and 30 years for deaths instead of 100/75/50 as proposed.

Proposal 30, to allow for the collection of additional information at the time of registration, received some negative responses as it was felt informants registering an event may find additional questions intrusive and it would increase the time for registering an event.

Summary of Proposals and Responses

This table shows the number of responses for and against each proposal.

No. Proposal		For	Against	Total
1	Allow the birth of a child occurring anywhere in Northern Ireland to be registered in any registration office in NI.	11	0	11
2	Further consideration to be given to the provision of a facility to register a birth by means of electronic communication without an informant being present.	7	3	10
3	Unmarried parents will have the choice of giving information separately at registration as well as jointly, for the inclusion of the father's details.	4	3	7
4	Registration office opening hours to be reviewed on an individual basis.	7	2	9
5	Allow a stillbirth, which occurred anywhere in Northern Ireland to be registered in any registration office in NI.	11	0	11
6	Further consideration to be given to the provision of a facility to register a stillbirth by means of electronic communication without an informant being present.	8	3	11
7	Period for registering a stillbirth to be extended to 12 months.	9	2	11
8	An unmarried father will be able to register as father of his stillborn child without the mother being present.	8	1	9
9	Registration staff to amend minor errors such as spelling or typographical errors or omissions to records.	10	0	10
10	Introduction of a new procedure for adding/changing a child's forename under the age of two to allow the parties who have parental responsibility for the child to make the application. This procedure would also allow for the parents of a stillborn child to add a name to the record at a later date with no time limit.	8	3	11
11	Name change procedures to be extended to all children from birth to 18 years	8	3	11
12	Dispense with the requirement to produce documentary evidence to show that the name/surname has been in use for a period of 2 years.	9	2	11

No. Proposal		For	Against	Total
13	Allow the death of a person occurring anywhere in Northern Ireland to be registered at any registration office in NI.	11	0	11
14	Further consideration to be given to the provision of a facility to register a death by means of electronic communication without an informant being physically present.	8	3	11
15	Allow the issue of an abbreviated certificate of death, excluding cause of death.	11	0	11
16	Extend the information collected at time of registration to include the name & occupation of a deceased husband's wife and occupation of deceased married woman or civil partner.	20	1	21
17	Extend the information collected at time of registration to include the names and occupation of both parents.	20	1	21
18	Facility for local authorities, should they so wish, to introduce new services to mark life events, such as, baby naming and reaffirmation of vows or requirement to sign post to another provider.	7	4	11
19	The introduction of commemorative certificates, of no legal or evidential value, to mark memorable life events.	9	2	11
20	Computerisation of existing registration records will enable all birth, death, marriage, civil partnership records to be held electronically and will allow for updates to be made to these records.	29	0	29
21	Introduction of a new framework for accessing registration records, which will distinguish between recent and older records. Your views are sought on whether the threshold for older records should be 100/75/75/50 years for births, marriages, civil partnerships and deaths respectively.	10	18	28
22	Older records to be open in GRO and in time when digitised made available in local District Registration Offices (DRO) and over the Internet. Recent records to be open in GRO and DRO's.	24	1	25
23	Provision for the automatic and electronic notification of registration information already visible publicly on the registers to all relevant government departments in reaction to specific requests and on payment of a statutory fee.	10	0	10
24	Supply of death registration data to relevant financial institutions to assist in the prevention of identity fraud crimes involving the impersonation of the dead.	10	0	10
25	Medical and other researchers working on formally approved projects may be given access to information subject to the National Statistics codes of practice and protocols and microdata release requirements.	9	1	10
26	The provision of a list cleaning service for certain organisations.	9	1	10
27	Introduction of a service to enable informants to ask for wider notification of events to nominated organisations inside and outside the government sector, for a statutory fee.	8	1	9
28	Provisions to allow people to deposit original marriage records in GRO that are not currently covered by statute, i.e. marriages that take place in a Commonwealth country.	11	1	12
29	Introduction of a facility for people with Northern Ireland connections to have life events that have taken place in other countries recorded in the records held by the Registrar General.	12	0	12
30	Collection of additional information at the time of registration.	6	3	9

Conclusions and next steps

The consultation exercise has been a valuable opportunity to collect the views of individuals, local authorities, government organisations, the legal sector, genealogical organisations etc. Thanks are given to all those who took the time to submit their views. The responses to the consultation will now be used in the next stage of the modernisation programme i.e. the formulation of registration service policy and consequential legislative changes.

Appendix A

- Department of Culture, Arts & Leisure
- Dept for Regional Development
- Department for Social Development
- NI Judicial Appointments Commission
- Civil Service Commissioners for NI
- Coroners Service
- Foreign & Commonwealth Office
- Armagh City & District Council
- Newtownabbey Borough Council
- Castlereagh Borough Council
- Ards Borough Council
- Fermanagh District Council
- Belfast City Council
- Registrar, Larne Borough Council
- Larne Borough Council
- Registrar, Coleraine Borough Council
- Cynthia Johnston
- David Gilmour
- Mrs Edith Tuckey
- Council of Irish Genealogical Organisations
- Massey & King Solicitors
- Ms Lelia Burke
- Association of Professional Genealogists in Ireland
- Knoll Research - Genealogical Research Services
- Mr Robert Davison
- Mr John Egan
- Irish Genealogical Research Society
- Society of Australian Genealogists
- Mr Douglas Appleyard
- Irish Family History Society

- Law Society of Ireland
- Ms Linda Clayton
- Irish Genealogical Research Society Newsletter
- Eneclann Ltd
- Mr Justin Homan Martin
- Certificate Genealogy Alumni Group
- Inwood Garret & Stone
- Mr David McElroy

Progress of the Civil Registration Bill

From: Norman Irwin, DALO

Date: 22 May 2008

Summary

Business Area: Northern Ireland Statistics and Research Agency – General Register Office

Issue: This paper outlines the progress of the Civil Registration Bill 2008. The Bill includes proposed amendments to the Births and Deaths Registration (Northern Ireland) Order 1976, The Marriage (NI) Order 2003, Civil Partnership Act 2004, The Adoption (NI) Order 1987 and the Gender Recognition Act 2004 and the introduction of new freestanding provisions.

Restrictions: None

Action Required: To note that the Bill will shortly be introduced to the Assembly.

Background

Committee Briefing

The Committee was previously briefed by officials on 24 October 2007 on proposals to reform the Registration Service. Following on from this the General Register Office, in conjunction with Civil Law Reform Division, completed the drafting of Instructions to Counsel. The Bill has now been drafted by Counsel as the Civil Registration Bill 2008.

The current framework for the registration of births and deaths in Northern Ireland is set out in the Births and Deaths Registration (Northern Ireland) Order 1976. The Marriage (Northern Ireland) Order 2003 replaced complex and outdated statutes. In recent years the General Register Office (GRO) has recognised that the system for birth and death registration requires reform to respond more appropriately to the changing needs of society.

Civil registration has a vital role in securing and protecting basic human rights. The records provide an individual with a name and identity within society, a facility for marriage and civil partnership, evidence of parentage and evidence of entitlement to inheritance. The information gathered can be analysed to provide valuable statistical information for medical and social

research, for example birth and death rates, infant mortality and generally information about the health and well being of people in the community.

The registration system for births and deaths was designed to suit the needs and expectation of society many years ago. However, the composition of family units has changed considerably and there has been major advances in technology. A more flexible legislative framework for civil registration is required. This would provide for improved service delivery, better access to services and registration records and the introduction of new and more responsive services. It would also involve much wider use of information technology to improve customer service and deliver significant savings, as the use of electronic information and services increases. This links in with GRO's ongoing programme for the digitisation of all civil registration records from the middle of the 19th century.

Consultation

Two previous Consultation Papers, the latest issued in 2006, and entitled 'Civil Registration in the 21st Century, Modernising a Vital Service', sought views from the public on the system for registering births and deaths in Northern Ireland and explained why change is necessary to civil registration if the expectations of the citizen, government and society are to be met. It also provided a vision for a more flexible and efficient service underpinned by modern technology. Respondents to the consultation paper supported a more responsive service with more choice in ways to register vital events, the provision of additional services and increased availability and use of electronic information. Responses to the consultation have been analysed and used to develop proposals for legislative change.

Financial Effects of the Bill

The Department does not consider that the Bill will place any additional financial burden on the public purse, nor the general public, as appropriate fees would cover any changes or new services offered.

Human Rights and Equality Issues

The provisions of the Bill are considered compatible with the Human Rights Act 1998. As the registration of births and deaths applies equally to everyone in Northern Ireland, regardless of where they live or whether or not they fall into any of the Section 75 groups, civil registration has been screened out of the EQIA programme. The proposed Bill does not impose any provisions that will result in an increased or adverse impact on businesses, charities or the voluntary sector nor does it impact on TSN or any other area identified under the Integrated Impact Assessment tool. Therefore no impact assessments were required.

Key Issues

The key issues listed below for which provisions will be introduced are:

- Removal of geographic restrictions to provide greater choice and more flexibility in registering vital events and where these may be registered;
- Changes to procedures for making alterations to registration records;
- Introduction of an abbreviated form of death certificate omitting cause of death as an alternative to the full version (for the purpose of closing bank accounts etc.);
- Provision of commemorative certificates for memorable life events;

- Electronic sharing of registration information in relation to births, deaths, marriages and civil partnerships with all relevant government departments and nominated organisations;
- Greater public access to civil registration records.

Next Steps

The Bill will be introduced into the Assembly on 16 June 2008.

Progress paper and responses to CIGO, APGI and FCO submissions

From: Norman Irwin, DALO
Date: 6 January 2009

Summary

Business Area: Northern Ireland Statistics and Research Agency – General Register Office.

Issue: This paper outlines the progress of the Civil Registration Bill (Northern Ireland) 2008 and provides GRO's responses to the issues raised in the submissions to the Committee from the Council of Irish Genealogical Organisations (CIGO), The Association of Professional Genealogists in Ireland (APGI) and the Foreign and Commonwealth Office.

Restrictions: None

Action Required: To note that the Bill is currently at Committee stage.

Background

The Committee was previously briefed by officials on 24 October 2007 and 22 May 2008 on proposals to reform the Civil Registration Service. Following on from this the Bill was introduced to the Assembly on 24 June 2008 followed by the 2nd stage reading on 1 July 2008.

The current framework for the registration of births and deaths in Northern Ireland is set out in the Births and Deaths Registration (Northern Ireland) Order 1976. The Marriage (Northern Ireland) Order 2003 replaced complex and outdated statutes. In recent years the General Register Office (GRO) has recognised that the system for birth and death registration requires reform to respond more appropriately to the changing needs of society.

Civil registration has a vital role in securing and protecting basic human rights. The records provide an individual with a name and identity within society, a facility for marriage and civil partnership, evidence of parentage and evidence of entitlement to inheritance. The information gathered can be analysed to provide valuable statistical information for medical and social research, for example birth and death rates, infant mortality and generally information about the health and wellbeing of people in the community.

The registration system for births and deaths was designed to suit the needs and expectations of society many years ago. However, the composition of family units has changed considerably and there have been major advances in technology. A more flexible legislative framework for civil

registration is required which would link in with GRO's ongoing programme for the digitisation of all civil registration records from the middle of the 19th century. The main provisions which will be introduced are:

- Removal of geographic restrictions to provide greater choice and more flexibility in registering vital events and where these may be registered;
- Changes to procedures for making alterations to registration records;
- Introduction of an abbreviated form of death certificate omitting cause of death as an alternative to the full version (for the purpose of closing bank accounts etc.);
- Provision of commemorative certificates for memorable life events;
- Electronic sharing of registration information in relation to births, death, marriages and civil partnerships with all relevant government departments and nominated organisations;
- Greater public access to civil registration records.

Key Issues

Submissions from Council of Irish Genealogical Organisations & the Association of Professional Genealogists in Ireland (These submissions are addressed concurrently as they relate to the same issues).

The initial consultation paper issued by GRO in July 2003 included proposals to restrict access to some of the information contained in a registration record, such as address, occupation and cause of death with the full information available only to the individual and their families and to agencies who had legally prescribed access. Following consideration of responses to the consultation exercise GRO revised the policy proposal to enable the full record to be viewed as included in the current Bill.

GRO proposed making a distinction between 'historical' and 'recent' records and in identifying the period for historical records GRO originally sought views on the time span that should be used i.e. 100 or 75 years for births . GRO recognised the fact that civil records in relation to pre-1922 were available through the General Register Office in the Republic of Ireland but were attempting to develop a framework to allow the public to have full access via the Internet to historical records. It is not possible at present to view registration records on the Internet in the Republic of Ireland. The public may view the indexes in the district offices and purchase certified copies as is the case in Northern Ireland.

In relation to records held by the Family Library of the Church of Jesus Christ of Latter-day Saints (LDS), an agreement was made between the General Register Office (GRO) and the Church in 1959 whereby the Church undertook the microfilming of GRO records from 1922 to that date. The agreement provided for a copy to be retained by the Church and kept solely at their library in Salt Lake City. Duplicating and making available of these records in the Belfast Centre was not within the terms of the agreement. Accordingly the Church's Belfast Family History Centre moved to withdraw certain records such that the terms of the original agreement were maintained.

CIGO have concerns that GRO, at any date in the future, could decide to issue certified copies from the registers omitting certain fields of information and have proposed amended wording to Clause 16 to ensure this does not occur. The provisions included in Clause 16 are intended to (a) enable GRO to produce certificates by any means, e.g. electronically and (b) to enable GRO to issue certificates that have been corrected without the annotation being shown. Current

legislation states that any certified copy is a copy of the actual entry in the register which would include any amendments that have been made to the entry. An example of this would be if an amendment was made where the original information was recorded inaccurately. At present any certified copy that GRO produces would have to show the amendment as an annotation to the entry with the correct information being shown at the bottom of the certified copy. The proposed new provision in clause 16(b) would allow GRO to produce a certified copy with the correct information in the body of the entry i.e. giving the applicant a 'clean' copy. Contrary to CIGO's concerns, GRO have no plans to remove any of the information currently shown on a certified copy and indeed it is planned that additional information will be included, such as, extending the information collected to include the name and occupation of a deceased husband's wife and the names and occupations of both parents on death entries in relation to a child under the age of 16. It is thus not necessary to amend Clause 16 as any future changes GRO may wish to make to the information contained within a certified copy would have to be by means of subordinate legislation which would be subject to legislative scrutiny. .

CIGO have stated in their submission that Clauses 13 and 22 of the Civil Registration Bill would appear to be in conflict with Article 34(2)(a) and (b) of the 1976 Order which already establishes a public right of access to registration records. Article 34(2)(a) and (b) of the 1976 Order allows any person to search any index kept in GRO in Belfast and also requires GRO to provide a person with a certified copy of an entry identified by the search of the index. Article 34 establishes a public right of access to the indexes of the registers (as opposed to any information contained in them). The new Article 34A (as inserted by Clause 13) actually goes further in that Regulations may be made to enable any person to access any information contained in the registers. GRO is of the view that Clause 13, paragraph 34(1) does not require any amendment because, as indicated, it is not in conflict with Article 34(2)(a) and (b) of the 1976 Order.

CIGO have suggested restricting GRO's power to extend 'the relevant periods' beyond those given in the Bill. GRO included these timeframes as it was considered that this proposal balances the individuals' and the families' rights to privacy against the need for openness. However, GRO consider it is prudent to have this power included so that 'relevant periods' could be extended in the future, if necessary. It should be noted that any future changes GRO may wish to make to the 'relevant periods' contained within the Bill would have to be made by means of subordinate legislation which would be subject to legislative scrutiny.

Foreign and Commonwealth Office

The Foreign and Commonwealth Office have expressed a concern in relation to Clause 14 of the Bill and in particular the reference to 'any registers'. The references to 'any register' have always been contained in Articles 35 and 36 of the 1976 Order, Clause 14 merely substitutes the words 'error (other than an error of fact or substance)' for the words 'clerical error' in Article 35 in order to extend the type of errors which any person authorised by the Registrar General may correct. This would enable corrections to registration entries to be carried out in a more efficient and less complicated manner for straight forward changes such as spelling and typographical errors or omissions. At present if a registrar makes a typing error in a registration this can only be corrected by means of an annotation on the entry which would then be reproduced on any certificate subsequently reproduced. The new procedures would enable the registrar or General Register Office staff to amend this entry through the computer system and the error would not be highlighted, as is current practise, on subsequent certificates.

The amendments to Article 36 provide for the correction or cancellation of entries in registers held and maintained under the 1976 Order. Articles 35 and 36 of the Order relate to registers held in local DROs and in GRO under the 1976 Order and do not operate to enable GRO to correct or cancel errors in registers which are held in other jurisdictions. The Registrar General has no statutory authority to amend or instruct records to be amended belonging to the Foreign

and Commonwealth Office. If it was considered necessary, GRO would have no objections to inserting a definition of 'register' in Article 2 of the 1976 Order.

Another issue raised by the Foreign and Commonwealth Office was in relation to Clause 27, the Record of Northern Ireland Connections and how this would impact on the work of Consular Officers. At present there is a facility for people living abroad to arrange for a birth, death or marriage abroad to be recorded in a register held by the Registrar General in Belfast. The event has first to be registered with the civil registration authority in the country in question, after which they can apply to the British Consul (or High Commissioner in commonwealth countries) to have a record of the event notified to the appropriate Registrar General in the UK. At the end of the year, the records are collected and sent to the General Register Office in Southport. The records are checked and then distributed to the appropriate Registrar General. The Registrar General produces indexes to these records and members of the public can apply for certificates from them on payment of the statutory fee.

The purpose of the provisions in Clause 27 of the Civil Registration Bill is to provide a facility, which will run concurrently alongside the formal system, to enable people with Northern Ireland connections to apply to have an event, which has already been registered in the country of occurrence, recorded in the Book of NI Connections. Anyone applying to have an event recorded will have to produce original documents from the country of registration to prove that the event has occurred. This will be a totally separate scheme to that operated by the Foreign and Commonwealth Office and will have no impact on the procedures currently operated by them. The register would be maintained by the General Register Office in Northern Ireland and all issues such as entering an event in the register, deleting entries and access to the register will be through this office. Any entry in the Book of Northern Ireland connections is not a legally significant registration. The records will be for commemorative and family history purposes only. There will be no change to procedures operated by the Foreign and Commonwealth Office and therefore no impact on their resources. The Registrar General has no statutory authority to instruct the Foreign and Commonwealth Office on any issues.

Next Steps

The Bill is to be considered by the Committee.

Response to additional CIGO, APGI and FCO issues

Civil Registration Bill (Northern Ireland) 2008

From: Norman Irwin, DALO

Date: 16 JANUARY 2009

Summary

Business Area: Northern Ireland Statistics and Research Agency – General Register Office.

Issue: This paper provides GRO updated responses to submissions from the Council of Irish Genealogical Organisations (CIGO), The Association of Professional Genealogists in Ireland (APGI) dated 8 January 2009, issues raised at the Committee Meeting held on 14 January 2009 and the letter from the Foreign and Commonwealth Office dated 12 January 2009.

Restrictions: None

Action Required: To note that the Bill is currently at Committee stage.

Background

The Committee was previously briefed by officials on 24 October 2007 and 28 May 2008 on proposals to reform the Civil Registration Service. Following on from this, the Bill was introduced to the Assembly on 24 June 2008, followed by the 2nd stage reading on 1 July 2008.

Key Issues

Submissions from Council of Irish Genealogical Organisation & the Association of Professional Genealogists in Ireland.

In relation to records held by the Family Library of the Church of Jesus Christ of Latter – day Saints (LDS), CIGO have stated in their submission ‘that the agreement entered into by GRONI with the LDS Church over forty years ago now would be unlikely to withstand legislative changes of more recent years. It cannot be equitable that GRONI can be party to a contract which allows free access to UK public records to citizens of foreign countries whilst citizens of Northern Ireland have to pay?’

GRO have stated that the agreement provided for a copy to be retained by the Church and kept solely at their library in Salt Lake City. Duplicating and making available copies of these records in the Belfast Centre was not within the terms of the original agreement. Accordingly the Church’s Belfast Family History Centre made a decision to withdraw certain records such that the terms of the original agreement were maintained. In addition GRO have been given assurances from the Church that the records are only available in Salt Lake City and not in libraries in other countries. It is worth noting that the records previously available in the Family History Centre were in the form of ‘microfiche’ and there were significant gaps in the information available. Following successful passage of the Civil Registration Bill when ‘historic records’ can be made available online, all birth records prior to 1909, death records prior to 1959 and marriage records prior to 1934 will be more easily accessible providing a much improved service to the customer.

CIGO and APGI have drawn attention to the advantage from a genealogical perspective of having parents’ details in all death registrations. Officials will give further consideration to the proposal when drafting the new Regulations.

In their submission CIGO & APGI have withdrawn their proposed amendments in relation to the rewording of Clauses 13 & 22 but have proposed a change of wording in relation to the headings in these clauses. The new Article 34A relates to all registration records in GRO not just historic records. Regulations made under this new Article may make provision for access to historical records on the Internet after the relevant period has expired and may enable the public to view recent records within the confines of GRO and DRO. In addition, this Article will also provide GRO with the power to make Regulations for entering into arrangements with 3rd parties for the provision of information contained within the registration records and the conditions that may be imposed on these. As Clauses 13 & 22 are similar, these comments would also relate to Clause 22. Consequently, GRO is of the view, that the headings in Clause 13 & 22 do not require amendment, as the clauses include, but do not solely relate to, historic information and to the access of it through 3rd parties.

CIGO & APGI would like GRO to reconsider the wording of Clause 13 in relation to ‘relevant periods’. In order to allow for future concerns to be communicated, it is normal practice when

timescales are specified, to allow for contingencies by including provisions to vary these timescales if required.

Foreign and Commonwealth Letter

In response to the Foreign and Commonwealth Office (FCO) statement submitted to the Committee, GRO note that the FCO does not contradict anything in GRO's submission. The FCO submission focuses on elaborating the details of the Foreign Marriage Order 1970. None of the points raised would require a change to the Bill as drafted, nor does the FCO suggest any changes to the Bill.

Hansard Record of Committee Meeting on 14 January 2009

GRO would like to use this opportunity to clarify a point raised by Mr Davidson at the Committee Stage on 14 January 2009, with regards to the issue of 'post 1922' records not being available on the Internet. Post 1922 marriage, death records and ultimately birth records will be available on the Internet pending successful passage of the Bill through the legislative process, as indicated in paragraph 2 above.

Next Steps

The Bill is to be considered by the Committee.

Response to oral evidence session on 28 May 2008

Civil Registration Bill (Northern Ireland) 2008

From: Norman Irwin, DALO

Date: 19 January 2009

Summary

Business Area: Northern Ireland Statistics and Research Agency – General Register Office

Issue: This paper provides GRO responses to the issues raised at the DFP Committee meeting on 28 May 2008 regarding the draft Civil Registration Bill.

Restrictions: None.

Action Required: To note.

Background

The Committee was previously briefed by officials on 24 October 2007 on proposals to reform the Civil Registration Service. This paper is a direct response to issues raised at the subsequent Committee meeting on 28 May 2008.

Key Issues

The Committee posed a question in relation to data security, the risk of people hacking into central systems and if there would be a cross-referencing process to highlight any illegal operating of the system by a hacker. The main General Register Office computer systems are internal and do not have a public interface. Nonetheless, as bespoke operating systems, they have industry standard protection procedures in place which are kept under continuous review. The systems have audit processes and reports built in which allow GRO to monitor activities that are being carried out on the system.

Remote/electronic registration will only be introduced when appropriate safeguards are in place. These include procedures for authenticating an electronic registration, its transmission over a secure network and its subsequent verification using independent sources before final registration. Public facing systems, for example those which will facilitate genealogical enquiry, will consist of static images which cannot be altered. Stringent security features would be paramount in any Internet facility. Any citizen facing electronic solution will have underlying security features built in which will be subject to ongoing review by independent accreditation.

A question was also raised as to whether proposals to share information with other government departments, such as, Identity and Passport Service, for verification of birth entries through electronic links to GRO records would be extended to the Irish Passport Service. There are currently no electronic links between the General Register Office in the Republic of Ireland (ROI) and the ROI Passport Office. Any checks on birth entries in relation to passport applications are carried out by telephone. Our understanding is that the ROI Passport Office has no current or long term plans to initiate any action in this area and as such have confirmed that they do not wish to enter into any discussions at this stage with GRO Northern Ireland.

Next Steps

The Bill is to be considered by the Committee.

Response to oral evidence session on 21 January 2009

Civil Registration Bill (Northern Ireland) 2008

From: Norman Irwin, DALO

Date: 26 January 2009

Summary

Business Area: Northern Ireland Statistics and Research Agency – General Register Office.

Issue: This paper provides information on issues raised at the Committee Meeting held on 21 January 2009, regarding GRO Scotland's online genealogical facility and the 'Northern Ireland Data Protection' Review.

Restrictions: None

Background

1. The Committee was previously briefed by officials on 24 October 2007 and 28 May 2008 on proposals to reform the Civil Registration Service. Following on from this, the Bill was introduced to the Assembly on 24 June 2008, followed by the 2nd stage reading on 1 July 2008.

Key Issues

2. Questions were raised by the Committee regarding charges for access to genealogical records on the Internet. Officials agreed to provide information on fees and charges in relation to 'ScotlandsPeople' website. (Annex A)

3. GRO wish to clarify that the office was included in the Department of Finance & Personnel's 'Report on the Northern Ireland Data Protection Review', and recommendations in the Report have been implemented.

Next Steps

4. The Bill is to be considered by the Committee.

Annex A

Information on fees and charges for 'ScotlandsPeople' website

Background

'ScotlandsPeople' is a partnership between the General Register Office for Scotland, the National Archives of Scotland and the Court of the Lord Lyon enabled by brightsolid (formerly Scotland Online) a leading provider of web-based business solutions.

'ScotlandsPeople' (www.scotlandspeople.gov.uk) is the official online source of parish registers, civil registration records, census records, wills and testaments and Coats of Arms for Scotland. Civil registration records include Scottish births and baptisms from 1553 to 2006, marriages from 1553 to 2006 and deaths from 1855 to 2006.

Digital images can be downloaded, viewed, saved and printed for a fee and official extracts of any register entries from the website can be ordered.

'ScotlandsPeople' have restricted Internet access to digital images to birth records over 100 years old, marriage records over 75 years and death records over 50 years, to respect the privacy of living people.

Fees

A 'surname' search is free and covers all records held on the website, which allows customers to check how many records of a particular surname appear in the various datasets.

Once registered on the website, a username and password is issued. For a fee of £6.00, access to the index database and of registered entries (where available) is given, with 30 'page credits' for the index and actual registered entries over a period of 90 days. Customers can perform as many searches as they like within 90 consecutive days of access.

Each page of register index entries that users download costs 1 credit, and each image costs 5 credits. Once the image is downloaded by the customer, they are free to refer to it again. In addition an 'official' extract of any register entry (equivalent to a certified copy in Northern Ireland) found in the index can be ordered online for a fee of £10.00, and this request is fulfilled by the General Register Office for Scotland who post out the extract.

'ScotlandsPeople' Website Fees

Information Available	Fee
Surname search (covers all records)	Free of Charge
Access to Index database with 30 page credits	£6.00
Viewing of one page of index results (25 search results)	1 credit
Viewing a particular image credits	5 credits (£1.00)
'Official' Extract (certified copy of record)	£10 (inclusive of post)

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Mr Shane McAteer
Clerk
Committee for Finance and Personnel
Room 419
Parliament Buildings
Stormont

11 March 2009

Dear Shane

CIVIL REGISTRATION BILL (NORTHERN IRELAND) 2009

At the clause-by-clause scrutiny of the Civil Registration Bill (Northern Ireland) 2009 by the Committee on 28 January 2009, the Department offered to include an amendment to Clause 14 of the Bill (correction of errors in registers). This was in response to concerns raised by the Foreign and Commonwealth Office (FCO) as to whether the provisions in the clause would apply to the FCO registers. The amendment offered was to include a definition of the term 'register' in order to clarify that point. The Committee was content with the clause, subject to being satisfied with the wording of the Department's proposed amendment.

The Department has subsequently received legal advice that the proposed amendment would be inappropriate.

The issue which the FCO raised, related to references to 'any register' in Articles 35 & 36 of the 1976 Order, which implicitly mean that the Registrar General may alter any register that is within the scope of his power i.e. the Northern Ireland civil registration records. These references have

always existed in the 1976 Order and the amendments to these Articles contained in Clause 14 of the Civil Registration Bill do not impact on them. The power or duty to make corrections/cancellations in 'any register' is not altered by Clause 14. The issue which the FCO is raising seems to relate to the power of the Registrar General to make amendments to consular records which are physically held by Missions overseas. Clause 14 does not affect this power in any way. Consequently, including a definition of 'register' in the 1976 Order by way of the Civil Registration Bill would not clarify the position in any way. Articles 35 & 36 do not enable amendments to be made to Consular records which are actually held by consular officers overseas.

On the basis of the legal advice received, the Department wishes to withdraw its offer to include an amendment to Clause 14 of the Civil Registration Bill (Northern Ireland) 2009.

Thank-you,



Norman Irwin

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Mr Shane McAteer
Clerk
Committee for Finance and Personnel
Room 419
Parliament Buildings
Stormont

12 March 2009

Dear Shane

CIVIL REGISTRATION BILL (NORTHERN IRELAND) 2009

I refer to the amendment to Clause 14 which as you know is not now being put forward by the Department. My letter of 10 March gave the background to the Department's position. However you requested confirmation/clarification that the FCO's concerns are unfounded in that the Registrar General has no power in any legislation to amend records held by Missions overseas.

I can give you confirmation that the Registrar General has no power whatsoever to amend records held by Missions overseas.

Hope this is helpful

Thank-you,



Norman Irwin

Appendix 5

Memoranda and Papers from Others

Submission of Written Evidence to the Committee for Finance and Personnel by the Council of Irish Genealogical Organisations and the Association of Professional Genealogists in Ireland

6th January 2009

Summary

The Council of Irish Genealogical Organisations (CIGO) and the Association of Professional Genealogists in Ireland (APGI) very much welcomes the new Civil Registration Bill. It will help to create a new modern framework for the operation of civil registration in Northern Ireland and establish easier access to 'historic' registration data for genealogists and historians. However, both CIGO and APGI would like to see amendments made to the wording of Clauses 13, 16 & 22.

Clauses 13 & 22 deal with the establishment of access to 'historic' registration data through third parties and will lead to an innovative Internet-based access service. We are obviously very much in favour of this development but think that the wording of this clause (which will insert a new Article 34A into the original 1976 Order) requires some clarity.

Clause 16 will allow GRONI to issue edited certificates. As the issuing of edited certificates is not to be done to the exclusion of unedited (or full) certificates both APGI & CIGO believe that the clause requires some revision.

In the following pages we outline these issues in greater detail and in Appendix A & B we have provided a draft of suggested rewording which we hope that the Department's legal experts will be able to work with.

Finally, we make the case for improving civil registration in Northern Ireland by including in death registrations (in addition to the deceased's date and place of birth) their parent's names too. We illustrate the urgent need for such a change by comparing the issue to Clause 27 of the Bill which relates to the establishment of a 'Northern Ireland Register of Connections' which

while highly desirable cannot be described as particularly urgent. Attached in Appendix C is a copy of an article written by Steven Smyrl on this subject and which was published in The Irish Times in January 2003. It compared the situation regarding registration of deaths in the Republic at that time with both Northern Ireland and the European Union and through quoting the United Nation's own civil registration policy it challenged the status quo and highlighted the crucial need for change. Such change - the recording of deceased people's parents' names in death registrations – is now a reality in the Republic and likewise it should be too in Northern Ireland.

Introduction

The Council of Irish Genealogical Organisations (CIGO)

CIGO was established in 1992. It is an umbrella-based lobby group for the various national and international organisations sharing an interest in Irish genealogical research. It exists to provide a forum for family history and genealogical groups and societies; to encourage, foster and promote greater public knowledge of and access to records relevant to genealogists; to formulate, influence and co-ordinate policy on all issues of concern to member organisations; and to encourage membership of CIGO by both Irish and overseas genealogical and family history organisations. The membership of the various national and international organisations that comprise CIGO totals over one million people.

CIGO's representative is Steven Smyrl. He has practised as a specialist in legal and probate genealogical research since the late 1980s. He is a founding member of CIGO, serving on its Council since 1992 and acting as chairman during the years 2000 to 2002. In 1991 Steven was admitted to membership of Association of Professional Genealogists in Ireland (APGI) and has served as a Council member since 1992. In the same year he founded Massey & King Ltd. the Republic of Ireland's only incorporated firm dedicated to legal genealogy.

He is author of Irish Methodists - Where Do I Start? the first in the series 'Exploring Irish Genealogy', published by CIGO in 1999. Published in 2000, he is also co-author with fellow APGI member, Eileen Ó Dúill, of number two in the same series, Irish Civil Registration – Where Do I Start? He has published in various journals and is an occasional contributor to Irish newspaper media and radio. Currently he is involved in co-editing A Dictionary of Irish Genealogy with Dr. Jim Ryan, and fellow APGI members, Paul Gorry & Eileen O'Byrne. In 2003, he was instrumental in improving the information recorded in Irish deaths registrations through his input into the Bill stages of the Republic's Civil Registration Act 2004. In 2007 he was elected to the fellowship of the Irish Genealogical Research Society.

The Association of Professional Genealogists in Ireland (APGI)

APGI was founded in 1986 and acts as a regulating body to maintain high standards amongst its members and to protect the interests of clients. For more than two decades the field of ancestral research in Ireland has benefited greatly from the presence of APGI. Our members are drawn from every part of Ireland and represent a wide variety of interests and expertise. The organisation represents the interests of people engaged professionally in genealogy and monitors the standard of their work on behalf of their clients. Beyond its functions as an association and regulating body, it has made many positive contributions over the years to the development of genealogy in Ireland; in championing the record users' cause with state-run offices and with the Irish Genealogical Project. The ongoing involvement of individual members in lecturing and publishing maintains our position at the forefront of genealogical expertise in Ireland.

APGI's representative is Robert Davison. English born to a father who was a native of Belfast, on retirement from the British Transport Police Robert moved to the Ards Peninsula in Co. Down. He joined the North of Ireland Family History Society (NIFHS) in 1994 and began to acquire the necessary expertise in family history research. Having served as Hon. Secretary of NIFHS he is now a committee member of the North Down & Ards branch. Realising the cross-fertilisation between 'local' and 'family' history, he joined the Upper Ards Historical Society, based in Portaferry in 1995. He is currently editor of the Society's Journal. Robert is a long time member of the Clan Davidson Association and has served as Hon. Secretary for that organisation.

Having carried out genealogical, probate and adoption research on a professional basis for over six years, Robert applied for membership of APGI in 2003. Following successful attestation, he was admitted to membership that year. In June 2003 he joined the team of APGI members who provide the Genealogy Advisory Service formerly at the National Library and now exclusively at the National Archives in Dublin. He is a long serving member of the Belfast GRO User's Group and the PRONI Forum. He has just completed a 3 year stint as Hon. Secretary of APGI and is an APGI Council member.

Like most professional genealogists, much of his time is spent on voluntary work in the family history area. He is currently NIFHS representative for the Federation of Family History Societies and one of the two NIFHS representatives on the Council of Irish Genealogical Organisations (CIGO). He served as Chairman of CIGO for 2002-2003, and is currently CIGO's Executive Liaison Officer for Northern Ireland.

1 Clause 16, paragraph 39 (b):

This clause will allow GRONI to issue various forms of edited certificates. For instance, death certificates which omit potentially sensitive information such as the cause of death. While a death certificate might be required to close a bank account, it is not necessary to submit a certificate to a bank that indicates the deceased's cause of death. While CIGO & APGI supports the spirit of paragraph 39 (b), it is concerned that its wording is too wide and could allow GRONI, by prescription, to restrict the issuing of unedited certified copies [certificates] from the registers.

We have attached in Appendix B to this submission some suggested additional wording for this clause. We think that the wording (or some similar to it) in our new paragraph 39 (c) will exclude the possibility of such restrictions.

2 Clauses 13 & 22

Clauses 13 and 22 will allow GRONI to establish an Internet-based genealogy service affording direct public access to historic registration data. Such data is to be considered historic where it was compiled more than one hundred years ago in the case of births, 75 years in the case of marriages and 50 years for deaths.

For clarity, this will not affect a citizen's right to obtain a full certificate of birth, death or marriage directly from the Registrar General or local register office, but will allow (for the first time) direct access to 'historic' registration records via the Internet and (again for the first time) through a third party. Needless to say, CIGO & APGI is very much in favour of this move which will allow greater public access to 'historic' genealogical records and information.

Our reservations relate to the wording of clause 13 which will insert a new Article 34A into the 1976 Order. The 'Explanatory and Financial Memorandum' to the CRB says of clause 13:

"This Clause inserts a new Article 34A into the 1976 Order. Article 34A enables regulations to be made which may: 1) make provision for persons to access birth (not still-birth) and death registration records; 2) make provision for the Registrar General to enter into arrangements with 3rd parties for the purpose of providing access to information contained in birth and death registration records; and 3) make provision for the Registrar General to transfer registration information to 3rd parties, subject to conditions, for the purpose of providing access to such information."

The existing Article 34 in the 1976 Order relates to public access to registration records and their associated indexes. Further, Article 34 (2) (a) & (b) establishes that:

(2) Any person may—

(a) search any index which is, under paragraph (1), kept in the General Register Office at any time during which the Office is open to the public; and

(b) require the Registrar General to furnish him with a certified copy of an entry in the registers referred to in paragraph (1).

The opening of the proposed Article 34A (Clause 13), which is to deal only with alternative access to historic registration data outside of that provided for by the 1976 Order's existing Article 34, reads:

(1) Regulations may make provision for any person to have access on payment of the prescribed fee to any information contained in the registers.

By its very nature, legislation needs to be explicit and CIGO & APGI thinks that unfortunately this is not the case with the wording of the proposed Article 34A. We would suggest that it should be clear from the outset that Article 34A relates to access to historic data through third parties by revising the CRB's clause 13.

Additionally, we also suggest that GRONI should not have the option to extend "the relevant periods" beyond those given in the Bill. Also, we note that the new Article 34A is to be without prejudice to the existing Article 38. We suggest that this should be extended to include the existing Article 34.

In Appendix A to this submission we have attached a suggested new wording for Clause 13 (which we accept for legal reasons will no doubt have to be further revised). Clause 22 would also need to be similarly amended.

3 Death registrations

Both CIGO & APGI would have liked to have seen the CRB include provision for bolstering the data recorded in death registrations. Since 1973 GRONI has recorded the date and place of birth and maiden surname of married women in all death registrations, but does not record the deceased's parents' names. Until the passing of its Civil Registration Act in 2004 the Republic did not include any additional detail to the meagre data recorded since registration began in 1864. Only after extensive lobbying by CIGO & APGI was provision made in the Republic's new Act to allow not only for the recording of deceased people's date and place of birth, but also the full names of each of their parents. This is an urgent issue and should be addressed by GRONI, particularly as it can be argued that Clause 27 (which will establish a 'Record of Northern Ireland Connections') is not in any way urgent but is designed to be a register of value to genealogists.

This is what the Registrar General of Northern Ireland, Mr. Norman Caven, said to the Committee for Finance and Personnel about Clause 27 on the 28th May 2008:

"We are planning a book of Northern Ireland connections so that individuals who have a connection with Northern Ireland could register events, births, deaths or marriages that happen outwith Northern Ireland. Such registrations would not have any legal standing but would be an additional valuable resource to genealogists. That is being undertaken in Scotland and has been well received. It is another area where we see a potential improvement but which would be paid for by users and not be a cost to the public purse. [our bolding]

In Appendix C we have attached a copy of an article by Steven Smyrl which appeared in The Irish Times in January 2003 which had the direct affect of convincing the Republic's Minister for Social and Family Affairs that such change was both desirable and necessary.

Appendix A[1]

13. After Article 34 of the 1976 Order (searches of indexes and certified copies of entries) there shall be inserted the following Article —

"Access to historic information relating to births and deaths through third parties

34A. — (1) Regulations may provide for the Registrar General —

(a) to make arrangements with any person for the purpose of providing access to information contained in the registers, subject that the relevant period must have expired in relation to the information; and

(b) for that purpose to transfer information to that person subject to conditions (including conditions as to the making of payments by that person to the Registrar General).

(2) Regulations under paragraph (1) may make provision for any other person to have access on payment of the prescribed fee to any information contained in the registers so transferred.

(3) In paragraph (1) (a) —

"the relevant period" means —

(a) in relation to information relating to a birth, the period of not more than 100 years from the date of the birth or such other lesser period as may be prescribed;

(b) in relation to information relating to a death, the period of not more than 50 years from the date of the death or such other lesser period as may be prescribed.

(4) Paragraph (1) shall not apply to any register of still-births.

(5) This Article is without prejudice to Articles 34 and 38."

Appendix B[2]

Certified copies

16. For Article 39 of the 1976 Order (photographic copies, etc.) there shall be substituted the following Article:

"Certified copies

39. A certified copy issued under this Order may be —

(a) made by any method of reproducing a document; or

(b) a document containing all information from an entry in the registers; or

(c) a document containing such information as may be prescribed derived from an entry in the registers, but without prejudice to sub-paragraph (b)."

Appendix C

The Irish Times, 26th January 2003

[1] In this section we are proposing that the wording of Clause 13 should be re-ordered; we have actually made only very minor changes to the original text. At the head of the page the words in italics in the bold text are our additions.

[2] Our suggested amendments to the text are in italics.

This is a reply to the comments made by Norman Irwin, Departmental Assembly Liaison Officer, dated 6th January 2009, in relation to submissions made to the Assembly Finance and Personnel Committee by CIGO and APGI.

In the text below we have appended our comments in bold after those made by Mr. Irwin (which are in plain text).

Key Issues

Submissions from Council of Irish Genealogical Organisations & the Association of Professional Genealogists in Ireland (These submissions are addressed concurrently as they relate to the same issues).

The initial consultation paper issued by GRO in July 2003 included proposals to restrict access to some of the information contained in a registration record, such as address, occupation and cause of death with the full information available only to the individual and their families and to agencies who had legally prescribed access. Following consideration of responses to the consultation exercise GRO revised the policy proposal to enable the full record to be viewed as included in the current Bill.

CIGO & APGI's Response:

CIGO & APGI spearheaded the response to the 2003 GRONI consultation and it was as a result of the input by these two organisations that GRONI was convinced that it would be an error to try to restrict access to information which have been a matter of public record since as early as 1845. It was pointed out that as there are not two levels of citizenship in Northern Ireland there should not be two levels of access. Every citizen, no matter whether a citizen of a Republic or of a constitutional monarchy, has the right to know a minimum amount of information about any other citizen. The prime example of this would be the electoral register. Although the commercial use of the electoral register is restricted, every citizen has the right to inspect it.

GRO proposed making a distinction between 'historical' and 'recent' records and in identifying the period for historical records GRO originally sought views on the time span that should be used i.e. 100 or 75 years for births . GRO recognised the fact that civil records in relation to pre-1922 were available through the General Register Office in the Republic of Ireland but were attempting to develop a framework to allow the public to have full access via the Internet to historical records. It is not possible at present to view registration records on the Internet in the Republic of Ireland. The public may view the indexes in the district offices and purchase certified copies as is the case in Northern Ireland.

In relation to records held by the Family [History] Library of the Church of Jesus Christ of Latter-day Saints (LDS), an agreement was made between the General Register Office (GRO) and the Church in 1959 whereby the Church undertook the microfilming of GRO records from 1922 to that date. The agreement provided for a copy to be retained by the Church and kept solely at their library in Salt Lake City. Duplicating and making available of these records in the Belfast Centre was not within the terms of the agreement. Accordingly the Church's Belfast Family History Centre moved to withdraw certain records such that the terms of the original agreement were maintained.

CIGO & APGI's Response:

To genealogists, this is a sensitive issue. In 1959 GRONI gave permission to the Church of Latter Day Saints (commonly called the LDS Church) to make microfilm copies of the civil registers of Northern Ireland (and their associated indexes) for the period 1922 to 1959. These microfilms have been made available free of charge to patrons of LDS Family History Libraries over many years, both in Salt Lake City (SLC) and in Northern Ireland. Similarly, the Republic's GRO entered into an agreement which saw all of the Republic's civil indexes and much of the civil registers microfilmed up to 1958. Again, these microfilms have been made available to Family History Library patrons in SLC and in Dublin without charge.

Through the submissions made in response to the 2003 civil registration consultation GRONI became aware that the Belfast LDS Family History Library held copies of post-1922 civil registers and indexes. Shortly after GRONI insisted that the LDS withdraw these films ensuring that citizens of Northern Ireland had to pay GRONI for access to information which is freely available to others resident outside of the North.

The agreement entered into by GRONI with the LDS Church over forty years ago now would be unlikely to withstand the legislative changes of more recent years. It cannot be equitable that GRONI can be a party to a contract which allows free access to UK public records to citizens of foreign countries whilst citizens of Northern Ireland have to pay?

CIGO have concerns that GRO, at any date in the future, could decide to issue certified copies from the registers omitting certain fields of information and have proposed amended wording to Clause 16 to ensure this does not occur. The provisions included in Clause 16 are intended to (a) enable GRO to produce certificates by any means, e.g. electronically and (b) to enable GRO to issue certificates that have been corrected without the annotation being shown. Current legislation states that any certified copy is a copy of the actual entry in the register which would include any amendments that have been made to the entry. An example of this would be if an amendment was made where the original information was recorded inaccurately. At present any certified copy that GRO produces would have to show the amendment as an annotation to the entry with the correct information being shown at the bottom of the certified copy. The proposed new provision in clause 16(b) would allow GRO to produce a certified copy with the correct information in the body of the entry i.e. giving the applicant a 'clean' copy. Contrary to CIGO's concerns, GRO have no plans to remove any of the information currently shown on a certified copy and indeed it is planned that additional information will be included, such as, extending the information collected to include the name and occupation of a deceased husband's wife and the names and occupations of both parents on death entries in relation to a child under the age of 16. It is thus not necessary to amend Clause 16 as any future changes GRO may wish to make to the information contained within a certified copy would have to be by means of subordinate legislation which would be subject to legislative scrutiny.

CIGO & APCI's Response:

Both CIGO & APCI have taken onboard what has been said above, but can confirm that both have always been very clear as to what has been proposed by GRONI in relation to the future production of 'clean' copy certificates. Our suggested amendments to Clause 16 were not intended to prevent or impede this important improvement nor do we think that they would have had such an effect.

Although GRONI refers to consultation, it has to be said that to date it has been rather one-sided. In his submission to the committee in May 2008 the Registrar General, Mr. Norman Caven, spoke about the importance to genealogists of establishing a 'Record of Northern Ireland Connections'. Although, he rightly went on to say that this 'record' would have no legal standing. By contrast, in the above paragraph GRONI refers to its plan to record extra detail in death registrations by regulation. Such detail is to include the occupation of a husband's wife and the

names and occupations of parents of children who die under 16 years of age. However, none of this extra detail is being recorded on foot of consultation with genealogists. GRONI is already very well aware that both CIGO and APGI would like to see the recording of parents' names extended to all persons who die and not just those aged under 16 years. CIGO's Steven Smyrl raised this issue with GRONI's Stanley Campbell as recently as August 2008 and pointed out that on foot of representations by CIGO & APGI such information has now been a matter of record in the Republic of Ireland since 2006.

Setting aside the fiction portrayed in *The Day of the Jackal*, Scotland has recorded parents' names in all death registrations since registration began there in 1855. When in recent times England & Wales had to work hard to deter fraudulent passport applications made in the names of deceased infants, Scotland has no such problem as it was able to link death records to birth records because both sets of registers note parents' names.

Initially, in 2003 the Republic's GRO said that recording data in death registrations such as the date and place of birth and parents' names was "outside the requirements of civil registration" and in response CIGO through an article published in *The Irish Times* pointed out that the recording of such data was considered 'basic' in the United Nation's 'Model Civil Registration Law'. At that time Northern Ireland recorded more data in death registrations than the Republic (and had done since 1973). However, it was through comparing the Republic with the North that change was achieved. It would be a great pity if the North was now to be seen trailing behind the Republic's recent improvements in death registration. If in death registrations GRONI can record the names of parents for under-16s it could do it for the over-16s too.

Aside from our comments made above about improving the data recorded in death registrations, having read what has been said by the Department pertaining to Clause 16 both CIGO & APGI are now happy to accept the explanation that GRONI has no plans to restrict access to registration data. Given this we are happy to withdraw our proposed amendment to clause 16.

CIGO have stated in their submission that Clauses 13 and 22 of the Civil Registration Bill would appear to be in conflict with Article 34(2)(a) and (b) of the 1976 Order which already establishes a public right of access to registration records. Article 34(2)(a) and (b) of the 1976 Order allows any person to search any index kept in GRO in Belfast and also requires GRO to provide a person with a certified copy of an entry identified by the search of the index. Article 34 establishes a public right of access to the indexes of the registers (as opposed to any information contained in them). The new Article 34A (as inserted by Clause 13) actually goes further in that Regulations may be made to enable any person to access any information contained in the registers. GRO is of the view that Clause 13, paragraph 34(1) does not require any amendment because, as indicated, it is not in conflict with Article 34(2)(a) and (b) of the 1976 Order.

CIGO & APGI's Response:

Having read over the Department's response to our comments on Clauses 13 & 22 we are happy to accept the assurances given that this clause is not designed to generally deny access to registration data. Given this we are prepared to withdraw our proposed amendments relating to lines 8 to 18 on page 5 (in clause 13) with the exception that lines 8 and 11 should be amended to read "Access to historic information relating to births and deaths through third parties" and that line 23 on page 8 (in clause 22) should be amended to read "Access to historic information relating to marriages and civil partnerships through third parties". This would be a very small concession for the Department to make and would be an ideal way of demonstrating that the views of genealogists have been listened to and acted upon.

CIGO have suggested restricting GRO's power to extend 'the relevant periods' beyond those given in the Bill. GRO included these timeframes as it was considered that this proposal balances the individuals' and the families' rights to privacy against the need for openness. However, GRO consider it is prudent to have this power included so that 'relevant periods' could be extended in the future, if necessary. It should be noted that any future changes GRO may wish to may to the 'relevant periods' contained within the Bill would have to be made by means of subordinate legislation which would be subject to legislative scrutiny.

With regard to possibly extending the "relevant periods" beyond those given in the Bill, the Department's suggestion that they consider it "prudent to have this power included so that 'relevant periods' could be extended in the future, if necessary." is far from convincing. After at least two periods of intensive consultation GRONI cannot surely argue that they have not as yet established where privacy ends and open access begins? The "relevant periods" are already well inline with international standards and could even be described, when compared to other jurisdictions, as conservative. Both CIGO & APGI believe that the periods already given in the Bill are more than adequate and allow that as a general rule the subject of each record will, by the time the record achieves 'historic' status, have been born a century or more earlier. Given this, both CIGO & APGI are keen that their proposed amendments are given further consideration and implemented.

Conclusion

CIGO and APGI speak on behalf of very many people across the island of Ireland and internationally who are involved in Irish genealogical research. It is the concerns of such people that we have given a voice to through our various submissions to the Committee. We sincerely hope that the Department will be willing to take onboard our comments and agree to meet the expectations and aspirations not only of government departments and statistic bodies, but of genealogists and family historians too.

FCO response to DFP (12.01.09)

Email received 12 January 2009 from:

Claire McIntosh
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The only comments that I have are that the FCO do not register marriages overseas. The practice of registering local law marriages attended by a consular officer overseas was discontinued from 1 January 1971.

The Foreign Marriage Order 1970 makes provision for the transmission of foreign marriage certificates of 'British subjects (together with certified translations into English) to the Registrars-General in England, Scotland or Northern Ireland, according to the part of the UK to which the British party concerned belongs. However, two points should be made clear to the applicant when they first make enquiries

- the marriage is not registered in the UK; the marriage certificate is simply deposited for record purposes only. This means that the original certificate is not returned to the applicant
- there is no legal obligation to have a marriage recorded in this country. The parties may take advantage of these facilities if they consider that it would serve some useful purpose to have their marriage recorded here but the validity in English law of a marriage contracted in a foreign country is in no way affected by its having been, or not having been, thus recorded.

There are only a few Posts that undertake Consular Marriages (where officers at the Post have Marriage Warrants and the offices authorised as a place where Marriages can be performed). Consular Marriages are only performed in countries where it can not be said for certain that the local facilities meet all the foreseeable needs of British nationals and one of the couple must be a British National. In these cases, in January of each year the consular marriage officer must forward to the Registrar-General for England and Wales, a return of all marriages entered in the marriage registers during the previous year.

Our Posts overseas will only undertake Birth and Death registrations if person was at the birth / death a British Citizens, British Overseas Territories Citizens or British National (Overseas).

Any queries, please do not hesitate to contact me.

Claire
Head of Nationality & Consular Registration Section

My name is Steven Smyrl and I represent the Council of Irish Genealogical Organisations, which is known by the acronym of CIGO. I have practised as a specialist in legal and probate genealogical research since the late 1980s. I am a founding member of CIGO and was its chairman during the years 2000 to 2002. In 1991 I founded Massey & King Ltd. the Republic of Ireland's only incorporated firm dedicated to legal genealogy.

CIGO was established in 1992. It is a lobby group for the various national and international organisations sharing an interest in Irish genealogical research. In essence, it exists to provide a forum for family history and genealogical groups and societies; to encourage greater public knowledge of and access to records relevant to genealogists; and to formulate, influence and co-ordinate policy on all issues of concern to member organisations.

My colleague is Mr. Robert Davison and he is representing the Association of Professional Genealogists in Ireland, which is known by the acronym of APGI. Members of APGI are all independently accredited genealogists. After retirement from service with the British Transport Police, Mr. Davison came to live on the Ards peninsula in Co. Down. He then took up a long-time interest in his own Irish family history and joined the North of Ireland Family History Society and the Upper Ards Historical Society. He has practised as a professional genealogist since 1997, specialising in genealogical, probate and adoption research. He became a member of APGI in 2003 and in December 2008 completed a three year term as the organisation's Hon. Secretary.

Through our daily work, both Mr. Davison and myself access civil registration records in Belfast and in Dublin and through the various county-based genealogical

Presentation paper from CIGO and APGI (14.01.09)

heritage centres which have been given access to 'historic' registration data. Further, we have both lectured extensively on the use of civil records in the study of genealogy and with another colleague, Eileen O'Duill, I compiled a guide to Ireland's civil records which was published by CIGO in 2000.

When the Republic's General Register Office announced in the 1990s that it was to modernise the legislation which underpins civil registration (much of which dated as far back as 1844) CIGO & APGI were to the fore in lobbying the relevant government department to ensure that the views of genealogists were heard. Over several years of contact with the Minister for Health and Dublin's GRO we were eventually successful in convincing the authorities that access to registration data (which is a matter of public record) should not be curtailed. Beyond this, we also secured a commitment to improve data recorded in death registrations so that in future a person's date and place of birth and parents' full names would be recorded. This small change in data collection has had the effect of revolutionising the credibility of the Republic's death registrations.

Both CIGO and APGI very much welcome the new Civil Registration Bill. It will help to create a new modern framework for the operation of civil registration in Northern Ireland and establish easier access to 'historic' registration data for genealogists and historians. Initially, we had reservations about Clauses 13, 16 & 22.

Clauses 13 & 22 deal with the establishment of access to 'historic' registration data through third parties and will lead to an innovative Internet-based access service. The importance of the reference to 'third parties' is that under the current legislation registration data can only be made generally available in the form of a certificate issued by a registrar. Allowing certain data to be passed to a third party will create the conditions under which GRONI can establish Internet access to its 'historic' records. We are obviously very much in favour of this development but had concerns that the wording of this clause (which will insert a new Article 34A into the original 1976 Order) required some clarity.

Clause 16 will allow GRONI to issue edited certificates, for instance death certificates which omit the cause of death. For example, submitting a death certificate to a bank does not require one which actually states the cause of death. Both CIGO & APGI were concerned that the issuing of edited certificates might be done to the exclusion of unedited (*or full*) certificates.

However, within the last few days, in response to our original submissions made in August last year, the Department has clarified some of the issues we raised. Given this we are happy to completely withdraw our suggested amendments to clause 16 and almost all of what we suggested in clauses 13 and 22.

In clause 13, page 5, we would like to see lines 8 & 11 – which are both headings - changed. Both lines currently read: “Access to information relating to births and deaths”. We would like to see both changed to read: “Access to historic information relating to births and deaths through thirds parties”. In clause 22, on page 8, we would like to see line 21 – again a heading - changed from “Access to information relating to marriages and civil partnerships” to “Access to historic information relating to marriages and civil partnerships through third parties”.

Having read through the above mentioned response by the Department to our original submissions we are now of the opinion that these new minor changes we are suggesting will do much to improve the clarity of clauses 13 & 22. Furthermore, the new wording will ensure this it is easily understood by those unfamiliar with legislation.

Further, in clauses 13 and 22, lines 18 to 24 and 31 to 33 respectively deal with the issue of where to draw the line between a ‘current’ record which can only be obtained in the form of a certificate from a registrar and an ‘historic’ record which can be made generally available through third parties. The Bill sets the tariffs at 100 years for births, 75 years for marriages and 50 years for deaths and describes these tariffs as the “the relevant periods”.

On the subject of ‘relevant periods’, this is what Norman Irwin recently said on behalf of the Department in his response to CIGO’s initial submission:

CIGO have suggested restricting GRC’s power to extend ‘the relevant periods’ beyond those given in the Bill. GRC included these timeframes as it was considered that this proposal balances the

individuals' and the families' rights to privacy against the need for openness. However, GRO consider it is prudent to have this power included so that 'relevant periods' could be extended in the future, if necessary. It should be noted that any future changes GRO may wish to make to the 'relevant periods' contained within the Bill would have to be made by means of subordinate legislation which would be subject to legislative scrutiny.

With regard to possibly extending the "relevant periods" beyond those given in the Bill, the Department's suggestion that they consider it "prudent to have this power included so that 'relevant periods' could be extended in the future, if necessary," is far from convincing. After at least two periods of intensive consultation GRONI cannot surely argue that they have not as yet established where privacy ends and open access begins? Have they not been able to strike the balance between the rights of individuals and ~~the~~ families against the need for openness? The "relevant periods" are already well in line with international standards and could even be described, when compared to other jurisdictions, as conservative. Both CIGO & APGI believe that the periods already given in the Bill are more than adequate and allow that as a general rule the subject of each record will, by the time a record achieves 'historic' status, have been born a century or more earlier. Given this, both CIGO & APGI are keen that their proposed amendments to lines 18 to 24 of page 5 and lines 31 to 33 of page 8 are given further consideration and implemented.

Finally, in its response to our original submissions the Department raised the issue of improving the range of data recorded in civil records. It indicated that it intends by regulation to commence recording extra detail in death registrations. The extra

detail would be the occupation of a husband's wife and the names and occupations of parents of children who die under 16 years of age. Interestingly, although the Department infers that there will be genealogical value in this new information, none of this extra detail is being recorded on foot of consultation with genealogists. GRONI is already very well aware that both CIGO and APGI would like to see the recording of parents' names extended to all persons who die and not just those aged under 16 years. I raised this issue with GRONI's Stanley Campbell as recently as August 2008 and pointed out that on foot of representations by CIGO & APGI such information has now been a matter of record in the Republic of Ireland since 2006.

Given this we would like to make a case for improving death registration in Northern Ireland by including - in addition to the deceased's date and place of birth - his or her parents' names too. Basically, beyond mere genealogy, the importance of recording parents' names in death records is that it allows death records to be matched to birth records and thus prove beyond reasonable doubt that a particular person has died. This is a vital issue when dealing with the important ~~issue~~ of inheritance & intestacy and one might possibly call the matching up of birth & death records as a game of 'genealogical snap'!

Since 1973 GRONI has recorded the date and place of birth and maiden surname of married women in all death registrations, but does not record the deceased's parents' names. Until the passing of its Civil Registration Act in 2004 the Republic did not include any additional detail to the meagre data recorded since registration first began in 1864. Only after extensive lobbying by CIGO & APGI was provision included in the Republic's new Act for the recording of a deceased person's date and place of birth and parents' names. The fact that such details are not currently

noted in Northern Ireland is an urgent issue and one which should be addressed by GRONI. And particularly so as it can be argued that Clause 27 (which will establish a 'Record of Northern Ireland Connections') is not in any way urgent but is designed to be a register of value to genealogists. This is what Northern Ireland's Registrar General, Mr. Norman Caven, said about Clause 27 to the Committee for Finance and Personnel on the 28th May last year:

*"We are planning a book of Northern Ireland connections so that individuals who have a connection with Northern Ireland could register events, births, deaths or marriages that happen outwith Northern Ireland. Such registrations would not have any legal standing but would be an additional valuable resource to **genealogists**. That is being undertaken in Scotland and has been well received. It is another area where we see a potential improvement but which would be paid for by users and not be a cost to the public purse.*

We hope that you will have had time to read the copy of a newspaper article about the improvement of data in death registrations which was attached to the briefing notes we provided last week. The article was written by myself and appeared in *The Irish Times* in January 2003 in response to a statement by the Republic's General Register Office that the inclusion of further data in death registrations would be "*outside the requirements of civil registration*". The article compared the situation regarding registration of deaths in the Republic at that time with both Northern Ireland and the European Union and through quoting the United Nation's own civil registration policy it challenged the status quo and highlighted the crucial need for change. Subsequent to our lobbying, the recording of deceased people's parents' names in death registrations is now a reality in the Republic and likewise

CIGO and APGI believe that Northern Ireland should follow suit. The Department intends in the near future to replace the 1973 registration regulations and we hope that this committee will recommend that the new regulations make provision for the noting of parents' names in death registrations.

Appendix 6

**Northern Ireland Assembly
Research Paper
Research and Library Services**

Civil Registration Bill

Research Paper prepared for the Committee for Finance & Personnel

Dr Robert Barry

Following consultation on the modernisation of the service for registering births and deaths, the Civil Registration Bill was introduced to the Northern Ireland Assembly on 17 June 2008. The Bill proposes to introduce provisions for:

- Removal of geographic restrictions to provide greater choice and more flexibility in registering vital events and where these may be registered;
- Changes to procedures for making alterations to registration records;
- Introduction of an abbreviated form of death certificate omitting cause of death as an alternative to the full version (for the purpose of closing bank accounts etc.);
- Provision of commemorative certificates for memorable life events;
- Electronic sharing of registration information in relation to births, deaths, marriages and civil partnerships with all relevant government departments and nominated organisations;
- Greater public access to civil registration records.

Library Research Papers are compiled for the benefit of Members of The Assembly and their personal staff. Authors are available to discuss the contents of these papers with Members and their staff but cannot advise members of the general public.

Civil Registration Bill

Summary

The current framework for the registration of births and deaths in Northern Ireland is set out in the Births and Deaths Registration (Northern Ireland) Order 1976. Following consultation on the modernisation of the registration service, the Civil Registration Bill was introduced to the Northern Ireland Assembly on 17 June 2008 to make the necessary amendments to the Births and Deaths Registration (Northern Ireland) Order 1976.

The Bill proposes to introduce provisions for:

- Removal of geographic restrictions to provide greater choice and more flexibility in registering vital events and where these may be registered;
- Changes to procedures for making alterations to registration records;
- Introduction of an abbreviated form of death certificate omitting cause of death as an alternative to the full version (for the purpose of closing bank accounts etc.);

- Provision of commemorative certificates for memorable life events;
- Electronic sharing of registration information in relation to births, deaths, marriages and civil partnerships with all relevant government departments and nominated organisations;
- Greater public access to civil registration records.

In relation to the notification of and access to registration information, the Bill also contains proposed amendments to the Marriage (Northern Ireland) Order 2003, the Civil Partnership Act 2004, the Adoption (Northern Ireland) Order 1987 and the Gender Recognition Act 2004.

While most of the Bill appears to have general public support (based on the results of two consultations), there are two key issues which require particular consideration - the threat to data security arising from increased public access, and the increased risk of fraud arising from the removal of the requirement on the informant to sign a register in the presence of a registrar.

Civil Registration Bill

Introduction

The current framework for the registration of births and deaths in Northern Ireland is set out in the Births and Deaths Registration (Northern Ireland) Order 1976. Following consultation on the modernisation of the registration service, the Civil Registration Bill was introduced to the Northern Ireland Assembly on 17 June 2008 to make the necessary amendments to the Births and Deaths Registration (Northern Ireland) Order 1976.

In relation to the notification of and access to registration information, the Bill also contains proposed amendments to the Marriage (Northern Ireland) Order 2003, the Civil Partnership Act 2004, the Adoption (Northern Ireland) Order 1987 and the Gender Recognition Act 2004.

Background

In recent years the General Register Office (GRO) has recognised that the system for birth and death registration requires reform to respond more appropriately to the changing needs of society.

The Registrar General for Northern Ireland previously published two consultation documents^[1], entitled 'Civil Registration in the 21st Century, Modernising a Vital Service', seeking views from the public on the system for registering births and deaths in Northern Ireland. These documents also explained why change is necessary and included proposals for a more flexible and efficient service underpinned by modern technology.^[2]

The first consultation process indicated that there was general support for a more responsive service with more choices in how to register, the provision of additional registration type services and the use of electronic means of operation. Following that consultation, proposals were drafted and the second consultation paper was issued in April 2006, setting out the changes that were proposed to achieve the modernisation of the Registration Service.

The main proposals were as follows: -

- Choice of service delivery for the individual i.e. births and deaths may be registered in any Registration Office in Northern Ireland regardless of where the event took place.

- Provisions will also be made in legislation to allow, in time, for electronic registration of vital events e.g. via the Internet, but these provisions will not be implemented until it is certain no risk of fraud exists. In any event the option of calling in person at the registration office would continue to be available.
- Greater use of technology to record, store and provide access to registration, with certificates gradually becoming redundant as information is available electronically.
- Older records to be open to the public and in time available on the Internet.
- Recent records to be open in the General Register Office (GRO) and the local District Registration Offices (DRO).
- Greater flexibility in order to respond to the changing makeup of family units and to meet the changing demands of society generally e.g. provision of celebratory services such as the reaffirmation of civil marriage vows.

Results of Consultation

The majority of responses to the second consultation confirmed support for enhancing registration services provided to the public and government including the removal of geographical restrictions on the registration of life events, allowing registration staff to amend minor errors in registrations, the issue of abbreviated death certificates, the computerisation of existing GRONI records, the release of electronic information of events to government departments and outside bodies and the provision of a facility for people with NI connections to have life events that have taken place in other countries recorded in the registers of the Registrar General.^[3]

A total of 38 individuals and groups responded to the second consultation (see Annex A). The numbers of responses for and against each proposal were recorded as follows:

No.	Proposal	For	Against	Total
1	Allow the birth of a child occurring anywhere in Northern Ireland to be registered in any registration office in NI.	11	0	11
2	Further consideration to be given to the provision of a facility to register a birth by means of electronic communication without an informant being present.	7	3	10
3	Unmarried parents will have the choice of giving information separately at registration as well as jointly, for the inclusion of the father's details.	4	3	7
4	Registration office opening hours to be reviewed on an individual basis.	7	2	9
5	Allow a stillbirth, which occurred anywhere in Northern Ireland to be registered in any registration office in NI.	11	0	11
6	Further consideration to be given to the provision of a facility to register a stillbirth by means of electronic communication without an informant being present.	8	3	11
7	Period for registering a stillbirth to be extended to 12 months.	9	2	11
8	An unmarried father will be able to register as father of his stillborn child without the mother being present.	8	1	9
9	Registration staff to amend minor errors such as spelling or typographical errors or omissions to records.	10	0	10
10	Introduction of a new procedure for adding/changing a child's forename under the age of two to allow the parties who have parental responsibility for the child to make the application. This procedure would also allow for	8	3	11

No. Proposal		For	Against	Total
	the parents of a stillborn child to add a name to the record at a later date with no time limit.			
11	Name change procedures to be extended to all children from birth to 18 years	8	3	11
12	Dispense with the requirement to produce documentary evidence to show that the name/surname has been in use for a period of 2 years.	9	2	11
13	Allow the death of a person occurring anywhere in Northern Ireland to be registered at any registration office in NI.	11	0	11
14	Further consideration to be given to the provision of a facility to register a death by means of electronic communication without an informant being physically present.	8	3	11
15	Allow the issue of an abbreviated certificate of death, excluding cause of death.	11	0	11
16	Extend the information collected at time of registration to include the name & occupation of a deceased husband's wife and occupation of deceased married woman or civil partner.	20	1	21
17	Extend the information collected at time of registration to include the names and occupation of both parents.	20	1	21
18	Facility for local authorities, should they so wish, to introduce new services to mark life events, such as, baby naming and reaffirmation of vows or requirement to sign post to another provider.	7	4	11
19	The introduction of commemorative certificates, of no legal or evidential value, to mark memorable life events.	9	2	11
20	Computerisation of existing registration records will enable all birth, death, marriage, civil partnership records to be held electronically and will allow for updates to be made to these records.	29	0	29
21	Introduction of a new framework for accessing registration records, which will distinguish between recent and older records. Your views are sought on whether the threshold for older records should be 100/75/75/50 years for births, marriages, civil partnerships and deaths respectively.	10	18	28
22	Older records to be open in GRO and in time when digitised made available in local District Registration Offices (DRO) and over the Internet. Recent records to be open in GRO and DRO's.	24	1	25
23	Provision for the automatic and electronic notification of registration information already visible publicly on the registers to all relevant government departments in reaction to specific requests and on payment of a statutory fee.	10	0	10
24	Supply of death registration data to relevant financial institutions to assist in the prevention of identity fraud crimes involving the impersonation of the dead.	10	0	10
25	Medical and other researchers working on formally approved projects may be given access to information subject to the National Statistics codes of practice and protocols and microdata release requirements.	9	1	10
26	The provision of a list cleaning service for certain organisations.	9	1	10
27	Introduction of a service to enable informants to ask for wider notification of events to nominated organisations inside and outside the government sector, for a statutory fee.	8	1	9

No. Proposal	For	Against	Total
28 Provisions to allow people to deposit original marriage records in GRO that are not currently covered by statute, i.e. marriages that take place in a Commonwealth country.	11	1	12
29 Introduction of a facility for people with Northern Ireland connections to have life events that have taken place in other countries recorded in the records held by the Registrar General.	12	0	12
30 Collection of additional information at the time of registration.	6	3	9

A number of those responding felt that proposals 2, 6 & 14 regarding the provision of facilities to register life events by electronic communication without an informant being present could lead to inaccuracies in the registration information with the increased risk of fraudulent registrations. It is accepted by GRO that a very robust system would be required to verify the identity of the informant.

Proposal 10 & 11 - to introduce new procedures for adding/changing a child's forename under the age of two and extending the name change procedures to all children from birth to 18 years - attracted a few negative comments where it was felt that this would encourage parents to change children's names 'on a whim' without due consideration.

Proposal 18, to allow local authorities to introduce new services to mark life events, elicited four negative responses from local authorities and an individual respondent as it was felt that it would increase the workload in registration offices and that it had the potential to undermine the moral fabric of society.

Proposal 21, to introduce a new framework for accessing registration records, which would distinguish between recent and older records, generated the highest level of negative responses initially. However, the Department believes that there was some misunderstanding about GRONI's intentions, and these were further clarified in a letter to the relevant respondents. The intention was that the restrictions would only apply to records, which in the future, would be made available on the Internet and not to GRO and DRO records which would be fully open to the public. This is in agreement with the general feeling amongst the majority of the respondents that no restrictions should be placed on accessing registration records in GRONI or the District Registration Offices (DRO). Widespread support was received for access to older GRO records on the Internet but some respondents felt that the Internet framework proposed by GRO was too restrictive and should be set at 70 years for births, 40 years for marriages and 30 years for deaths instead of 100/75/50 as proposed.

Proposal 30, to allow for the collection of additional information at the time of registration, received some negative responses as it was felt informants registering an event may find additional questions intrusive and it would increase the time for registering an event.

Purpose of the Bill

The Department states that Civil Registration reform will provide improved service delivery, better access to services and information and the introduction of new and more responsive services. It will also facilitate much wider use of technology to improve customer service. Much of this Bill is designed to pave the way for electronic registration and greater public access to that information.

Overview of the Bill

The Bill proposes to introduce provisions for:

- Removal of geographic restrictions to provide greater choice and more flexibility in registering vital events and where these may be registered;
- Changes to procedures for making alterations to registration records;
- Introduction of an abbreviated form of death certificate omitting cause of death as an alternative to the full version (for the purpose of closing bank accounts etc.);
- Provision of commemorative certificates for memorable life events;
- Electronic sharing of registration information in relation to births, deaths, marriages and civil partnerships with all relevant government departments and nominated organisations;
- Greater public access to civil registration records.

Content of the Bill

The Bill contains 31 Clauses and two Schedules as follows (the descriptions below are taken from the Explanatory and Financial Memorandum, with references added where appropriate to the results of the consultation exercise):

Clause 1: Registration of births

This Clause amends Article 10 of the 1976 Order in order to remove geographic restrictions in relation to the registration of births (including still-births) to enable a birth occurring in Northern Ireland to be registered at any registration office in Northern Ireland. This Clause also removes the requirement imposed on an informant to sign the register and imposes a requirement for information to be given in a particular manner.

It also amends the definition of "birth" in Article 2 of the 1976 Order to clarify that a birth means a live or still-birth in Northern Ireland.

While the issue of removing geographic restrictions appears uncontroversial (receiving unanimous support in the consultation), the proposal to remove the requirement on an informant to sign the register in the presence of a registrar does not appear to have much support. In fact, 26 out of 34 respondents to the first consultation expressed support for retaining face to face registration to reduce the risk of inaccuracies and fraud (5 had mixed feelings about the idea of allowing registration without the informant attending a local registration office, and only 3 were in favour).

This proposal was subsequently softened in the second consultation with the words 'further consideration to be given to...' (see proposals 2, 6 and 14 in the table above under 'Results of Consultation'), but respondents still cautioned against the risk of inaccuracies and fraud. The number in favour of 'further consideration' is still far short of the number opposed to the idea in the initial consultation.

The increased use of false birth certificates as 'breeder documents' (to obtain passports and other valuable documents) by fraudsters^[4] points to a need to tighten security on registrations, as opposed to the potential relaxation that 'in a prescribed manner' might imply – particularly as it is clear that the 'prescribed manner' in relation to electronic registration has not yet been thought out.

Interestingly, the Civil Registration Act 2004, which recently reformed the registration system in the Republic of Ireland, retains the requirement on informants to sign the register in the presence of the registrar.^[5]

Clause 2: Infant children found exposed

This Clause amends Article 11 of the 1976 Order, in relation to the birth of a living child found exposed, to impose a requirement for information to be given in a prescribed manner.

Again, this relates to removing the requirement on the informant to sign the register in the presence of the registrar. The point made above, in relation to that part of Clause 1, therefore also applies here.

Clause 3: Issue of notice for information concerning births

This Clause amends Article 12 of the 1976 Order to remove the requirement for an informant to personally attend to sign the register in the presence of the registrar and imposes a requirement for information to be given in a prescribed manner, where a notice has been issued by the registrar to an informant who has failed to register the birth within 42 days from the date of birth.

Again, this relates to removing the requirement on the informant to sign the register in the presence of the registrar and the point made above applies.

Clause 4: Registration of father where parents not married

This Clause amends Article 14 of the 1976 Order to enable unmarried parents to be able to give information separately at the time of registration as well as together, in order to have the father's details included in the birth entry. It further amends Article 14 to remove the requirement for persons to sign the register and imposes a requirement for information to be given in the prescribed manner.

The proposal to allow unmarried parents to be able to give information separately was not supported unanimously in the consultation – only 4 respondents expressed support, with 3 against (see proposal 3 in table for second consultation). Again, part of this Clause relates to removing the requirement on the informant to sign the register in the presence of the registrar and the point made in relation to the first three Clauses also applies.

Clause 5: Time limit on registration of still-births

This Clause provides for the repeal of Articles 13(3) and 15(1) of the 1976 Order which has the effect of extending the time period within which a still-birth may be registered from 3 months to 12 months, thereby bringing this aspect of registration of still-births into line with the registration of births and deaths.

This proposal was supported by 9 respondents and opposed by 2 (see proposal 7 in table for second consultation).

Clause 6: Registration of still-births where parents not married

This Clause amends Article 14 of the 1976 Order so that it shall no longer apply to the registration of a still-birth. This will enable the unmarried father of a still-born child to have his

name included in the entry without the mother being required to be present. This Clause also amends Article 18 of the 1976 Order to allow the Registrar General to authorise the re-registration of the still-birth of a child of unmarried parents where the mother disputes the details of the registration.

The proposal to enable an unmarried father of a still-born child to have his name included in the entry without the mother being present was supported by 8 respondents and opposed by only 1 (see proposal 8 in table for second consultation).

Clause 7: Re-registration of births of legitimated persons

This Clause amends Article 19(6) of the 1976 Order so that the Registrar General may no longer be able to require the informant (who has failed to re-register the birth within the relevant period) to attend personally at a specified place within a specified time and sign the register in the presence of the registrar. As a result of the amendment, the Registrar General may require the informant to take such steps, within a specified time, for the purposes of re-registration as are specified in the notice issued by him.

This again removes the need to attend and sign the register in the presence of the registrar.

Clause 8: Registration of deaths

This Clause amends Article 21 of the 1976 Order in order to remove geographic restrictions in relation to the registration of deaths to enable the death of a person occurring in Northern Ireland to be registered at any registration office in Northern Ireland. This Clause removes the requirement imposed on the informant to sign the register and imposes a requirement for information to be given in a particular manner.

This Clause also inserts a definition of "death" in Article 2 of the 1976 Order to clarify that a death means a death in Northern Ireland.

This is similar to Clause 1, except that it relates to deaths instead of births. Again, the proposal to remove geographic restrictions received unanimous support (see proposal 13 in table for second consultation), while the proposal to remove the requirement on an informant to sign the register in the presence of a registrar had more opposition than support.

Clause 9: Issue of notice for information concerning deaths

This Clause amends Article 23 of the 1976 Order so that the registrar may no longer be able to require the informant (who has failed to register the death within the relevant period) to personally attend at a specified place within a specified time and sign the register in the presence of the registrar. As a result of the amendment, the registrar may require the informant to give information in a particular manner within a specified time.

This again removes the need to attend and sign the register in the presence of the registrar.

Clause 10: Short death certificate

This Clause inserts a new Article 40A into the 1976 Order which enables regulations to be made which will make provision for the issue of short death certificates, excluding the cause of death information, for a prescribed fee.

This proposal received unanimous support (see proposal 15 in table for second consultation).

This Clause also amends Article 34(5) of the 1976 Order to require the Registrar General to cause any certificate issued under the new Article 40A to be stamped and sealed with the seal of the General Register Office, of which judicial notice shall be taken.

Clause 11: Discharge of functions of the Registrar General

This Clause amends Article 4 of the 1976 Order which has the effect of extending the Registrar General's powers in relation to the discharge of his functions to enable additional officers to be authorised to carry out functions on behalf of the Registrar General.

Clause 12: Reproduction of registers and replacement of lost registers etc.

This Clause amends Article 33 of the 1976 Order in order to remove the need for reproduction or replacement registers to be authenticated by the signature of the Registrar General.

This only relates to the reproduction of registers that have been lost, destroyed or mutilated, or have become illegible. The removal of the need for a signature paves the way for electronic registers, but from a security point of view the authentication process will need to be considered carefully.

Clause 13: Access to information relating to births and deaths

This Clause inserts a new Article 34A into the 1976 Order. Article 34A enables regulations to be made which may: 1) make provision for persons to access birth (not still-birth) and death registration records; 2) make provision for the Registrar General to enter into arrangements with 3rd parties for the purpose of providing access to information contained in birth and death registration records; and 3) make provision for the Registrar General to transfer registration information to 3rd parties, subject to conditions, for the purpose of providing access to such information.

While increased access and exchange of information between government departments and other responsible bodies can help to improve security and guard against fraud, it can also increase the risk of fraud. A report by the Center for Immigration Studies in Washington notes how 'improving access' to birth and death records can go wrong^[6]:

'In the name of public disclosure, the Office of Health Information and Research of the California Department of Health Services sold the birth and death records of more than 24 million people who were born or died in the state between 1905 and 1995 to a private company for the sum of \$1,500. The data included names, birth dates, birth locations, and mothers' maiden names, the latter of which is often used as a password verification by credit card companies, health insurers, and other providers of personal services. Following a blizzard of complaints from frantic state residents, the company voluntarily pulled the database.'

Clause 14: Correction of errors in registers

This Clause amends Article 35(2)(a) of the 1976 Order to extend the type of errors which any person authorised by the Registrar General may correct.

This Clause also amends paragraphs (1) – (5) of Article 36 of the 1976 Order. Paragraphs (1) and (2) are amended to require a registrar to notify the Registrar General if he considers that any register (not just a register in his custody) contains an error of fact or substance and to allow the Registrar General to require any registrar (not only the registrar who has custody of the register) to correct the error.

Paragraph (3) is amended to allow any registrar (when required by the Registrar General to do so) to issue notices requiring any informant to take such steps as are specified in the notice.

Paragraph (4) is amended to allow the Registrar General to issue a direction to any registrar requiring him to correct an entry.

Paragraph (5) is amended to allow the Registrar General to issue a direction to any person requiring that person to cancel entries in a register.

The proposal that registration staff should be allowed to amend minor errors or omissions to records was supported unanimously (see proposal 9 in table for second consultation).

Clause 15: Registration or alteration of child's name

This Clause repeals Article 37(2) of the 1976 Order so that the name change procedure contained in Article 37(3) is the only mechanism by which a change of name/surname in respect of a child under 18 years of age may be registered.

This removes the special procedure for children under the age of two. The proposal to extend name change procedures to all children from birth to 18 years (proposal 11 in the second consultation) was supported by 8 respondents and opposed by 3.

This Clause also amends paragraphs (3) and (4) of Article 37 to dispense with the requirement to produce, in respect of all name change procedures, documentary evidence to show that the new name/surname has been in use for a period of 2 years.

The proposal to dispense with the requirement to produce documentary evidence to show that the name change has been in use for a period of 2 years (proposal 12 in the second consultation) was supported by 9 respondents and opposed by 2.

This Clause also inserts new paragraphs into Article 37 which: 1) enable the Registrar General to notify such persons as he deems appropriate that a change of name or surname has been recorded in the register; 2) enable any person who has made an application to have a change of name/surname recorded to apply to the Registrar General to have that change notified to other persons; 3) require any person making an application under Article 37(4B) to pay a fee; and 4) provide that the power conferred on the Registrar General by Article 37(4A) may be exercised whether or not an application has been made to the Registrar General.

Clause 16: Certified copies

This Clause replaces Article 39 of the 1976 Order to provide for the means by which a certified copy may be issued under the 1976 Order. It also allows a document containing information extracted from any entry in the registers to be issued as a certified copy.

A question relating to this issue was asked in the first consultation as follows: 'Should paper certificates other than for personal commemorative use be replaced by electronic transfer of information to approved users on request?' Out of 60 respondents, 40 favoured the replacement

of paper certificates with electronic transfer of information while 20 were opposed to the idea as they felt that it could give rise to an abuse of confidentiality. They also questioned the legal standing of an electronic record.

Clause 17: Issue of short birth certificate

This Clause amends Article 40(a) of the 1976 Order to enable regulations to be made providing for the issue of a short birth certificate by the Registrar General or any registrar (rather than the person having custody of the register).

Clause 18: Notification of births and deaths

This Clause inserts a new Article 40B into the 1976 Order which: 1) enables the Registrar General to notify such persons as he deems appropriate of registration information contained in birth (but not still-birth) and death registers; 2) enables an informant in relation to a birth or death registration to apply to the Registrar General to have the registration notified to such persons as required; 3) requires any person making an application under this Article to pay a fee; and 4) provides that the power conferred on the Registrar General by this Article may be exercised whether or not an application has been made.

A question relating to notification was asked in the first consultation as follows: 'Should informants be able to ask for wider notification of births and deaths to nominated bodies outside the Government sector perhaps for a fee?' While 68% agreed that this should be possible, the remaining 32% were opposed on the grounds that the Registration Service would be getting too involved in 'personal' matters.

Clause 19: Entries in registers as evidence

This Clause amends Article 41(1)(a) of the 1976 Order to remove the requirement for a birth or death registration entry to be signed by the informant in order for that entry to be evidence of the birth or death. Article 41(1)(a) as amended provides that a birth or death registration entry which includes the name of the informant will suffice as evidence of the birth or death.

This relates to removing the requirement on the informant to sign the register and the point made in relation to Clause 1 therefore also applies here.

Clause 20: Refusal to give information

This Clause repeals Article 44(1)(b) of the 1976 Order, because the Bill removes the requirements in the 1976 Order to sign a register in the presence of a registrar.

Again, this removes the requirement to sign a register in the presence of a registrar and the point made in relation to Clause 1 also applies.

Clause 21: Fees payable for searches, certified copies, etc

This Clause amends Article 47 of the 1976 Order to revise the wording of this provision and also to include additional documents for which fees shall be payable under the 1976 Order e.g. short death certificates.

Clause 22: Access to information relating to marriages and civil partnerships

This Clause amends Article 35 of the Marriage (NI) Order 2003 and Section 155 of the Civil Partnership Act 2004 to enable regulations to be made which may: 1) make provision for persons to access information contained in any marriage and civil partnership registration records; 2) make provision for the Registrar General to enter into arrangements with 3rd parties for the purpose of providing access to information contained in any marriage and civil partnership registration records; and 3) make provision for the Registrar General to transfer registration information to 3rd parties, subject to conditions, for the purpose of providing access to such information.

The point made in relation to Clause 13, i.e. the increased data security risks arising from increased public disclosure, also applies here.

Clause 23: Notification of registration of marriages and civil partnerships

This Clause inserts a new Article 35A into the Marriage (Northern Ireland) Order 2003 and a new Section 155A into the Civil Partnership Act 2004, which: 1) gives the Registrar General power to notify such persons as the Registrar General deems appropriate of the registration of a marriage/civil partnership; 2) enable either party to the marriage/civil partnership to apply to the Registrar General to have the registration of the marriage/civil partnership notified to such persons as required; 3) require the applicant to pay a fee to the Registrar General; and 4) provide that the power conferred on the Registrar General by Article 35A and Section 155A may be exercised whether or not an application has been made.

The argument raised by 32% of respondents to the question in the first consultation, that similar notification of birth and death registrations (see Clause 18 above) would overly involve the Registration Service in 'personal' matters, presumably also applies here (although a consultation question on the notification of registration of marriages and civil partnerships was not asked directly).

Clause 24: Access to information in the Adopted Children Register

This Clause amends Article 50 of the Adoption (NI) Order 1987 to enable regulations to be made which may: 1) make provision for persons to access any information contained in the Adopted Children Register; 2) make provision for the Registrar General to enter into arrangements with 3rd parties for the purpose of providing access to information contained in the Adopted Children Register; and 3) make provision for the Registrar General to transfer registration information to 3rd parties, subject to conditions, for the purpose of providing access to such information. These provisions bring access to the Adopted Children Register into line with other registration records.

This Clause also amends the definition of "prescribed" in Article 2(2) of the Adoption (Northern Ireland) Order 1987 to take account of the above.

The point made in relation to Clause 13, i.e. the increased data security risks arising from increased public disclosure, also applies here.

Clause 25: Access to information in the Gender Recognition Register

This Clause amends Paragraph 22 of Schedule 3 to the Gender Recognition Act 2004 to enable regulations to be made which may: 1) make provision for persons to access any information contained in the Gender Recognition Register; 2) make provision for the Registrar General to enter into arrangements with 3rd parties for the purpose of providing access to information contained in the Gender Recognition Register; and 3) make provision for the Registrar General to transfer registration information to 3rd parties, subject to conditions, for the purpose of providing access to such information.

Once again, the point made in relation to Clause 13, i.e. the increased data security risks arising from increased public disclosure, applies here.

Clause 26: Production of commemorative documents

This Clause gives the Registrar General power to issue commemorative documents upon payment of the prescribed fee. It is intended that these documents may be used to mark life events. However, they will be of no legal or evidential value.

This was supported by 9 and opposed by 2 respondents in the second consultation (see proposal 19 in table for second consultation).

Clause 27: Record of Northern Ireland Connections

This Clause requires the Registrar General to maintain a register (and relevant index) called the Record of Northern Ireland Connections. This Clause enables people with Northern Ireland connections to apply to the Registrar General for an event listed in Schedule 1 to be entered in the Record of Northern Ireland Connections in the prescribed form on payment of the prescribed fee. This Clause allows any person, upon payment of a fee to the Registrar General, to search the index of and the entries contained in this register. It also requires the Registrar General to provide them with a copy of any entry in this register. The Registrar General has the power to amend or delete any entry which has been made under this provision.

This was supported unanimously in the second consultation (see proposal 29 in table for second consultation).

Clauses 28-31: Supplementary

These Clauses are of a technical nature.

Schedule 1: Events which may be recorded under Section 27

This Schedule lists events which may be recorded in the Record of Northern Ireland Connections.

Schedule 2: Repeals

This Schedule lists provisions to be repealed as a result of this Bill.

Costs and Options Considered

The following options and the Department's views on them are listed in the Explanatory Memorandum:

- Do nothing – Not feasible as changes were required to reform the registration service in order to respond more appropriately to the changing needs of society, improve service delivery, maximise the use of technology and provide greater public access to civil registration records.
- Overhaul the entire Civil Registration Service - There was insufficient evidence to suggest that such a radical move was necessary as evidence indicates contentment with the current regime.
- Amend the existing Order and introduce new provisions as appropriate –This was seen as the preferred option as it would facilitate changes to existing procedures and enable services to be introduced with minimal resource and timescale implications.

In relation to costs, the Department does not consider that the Bill will place any additional financial burden on the public purse, nor the general public, as appropriate fees would cover any changes or new services offered.

Human Rights and Equality Impact Assessment

The provisions of the Bill are considered by the Department to be compatible with the Human Rights Act 1998.

As the registration of births and deaths applies equally to everyone in Northern Ireland, regardless of where they live or whether or not they fall into any of the Section 75 groups, civil registration has been screened out of the Equality Impact assessment programme.

Regulatory Impact Assessment

The Department considers that the proposed Bill does not impose any provisions that will result in an increased or adverse impact on businesses, charities or the voluntary sector. Nor does it impact on TSN or any other area identified under the Integrated Impact Assessment tool. Therefore no impact assessments were deemed to be required.

Conclusions

While most of the Bill appears to have general public support (based on the results of two consultations), there are two key issues which require particular consideration - the threat to data security arising from increased public access, and the increased risk of fraud arising from the removal of the requirement on the informant to sign a register in the presence of a registrar.

The Bill effectively gives the Registrar General greater say in the manner in which registrations should take place and in providing access to that information. This is a necessary prerequisite for electronic registration and greater public disclosure, should the Registrar General choose to move in that direction. However, if the Bill becomes law, some of the protection afforded by the present more restrictive legislation will be lost and it will be up to the Registrar General to ensure that the implementation of any reform is coupled with necessary measures to protect the public from the risks of data disclosure and fraud.

The Committee may wish to consider whether or not we should abandon the existing legal requirement for informants to sign a register in the presence of a registrar and whether or not further safeguards are required in relation to public access to registration information. These matters should be considered in light of the positive intentions of the Bill.

Annex A:

List of Respondents to the Second Consultation

- Department of Culture, Arts & Leisure
- Dept for Regional Development
- Department for Social Development
- NI Judicial Appointments Commission
- Civil Service Commissioners for NI
- Coroners Service
- Foreign & Commonwealth Office
- Armagh City & District Council
- Newtownabbey Borough Council
- Castlereagh Borough Council
- Ards Borough Council
- Fermanagh District Council
- Belfast City Council
- Registrar, Larne Borough Council
- Larne Borough Council
- Registrar, Coleraine Borough Council
- Cynthia Johnston
- David Gilmour
- Mrs Edith Tuckey
- Council of Irish Genealogical Organisations
- Massey & King Solicitors
- Ms Lelia Burke
- Association of Professional Genealogists in Ireland
- Knoll Research - Genealogical Research Services
- Mr Robert Davison
- Mr John Egan
- Irish Genealogical Research Society
- Society of Australian Genealogists
- Mr Douglas Appleyard
- Irish Family History Society
- Law Society of Ireland
- Ms Linda Clayton
- Irish Genealogical Research Society Newsletter
- Eneclann Ltd
- Mr Justin Homan Martin

- Certificate Genealogy Alumni Group
- Inwood Garret & Stone
- Mr David McElroy

[1] <http://www.groni.gov.uk/1872003931372.pdf> ;
<http://www.groni.gov.uk/1342006154747.pdf>

[2] See Explanatory Memorandum.

[3] <http://www.groni.gov.uk/3010200682102.pdf>

[4] See, for example, a paper by the Office of the Inspector General, Kansas City on this issue - <http://www.oig.hhs.gov/oei/reports/oei-07-99-00570.pdf> or a report on identity theft using birth certificates in Australia - <http://www.theage.com.au/articles/2003/07/06/1057179212905.html>

[5] <http://www.oireachtas.ie/documents/bills28/acts/2004/a304.pdf> - see Section 19.

[6] 'America's Identity Crisis' - <http://www.cis.org/articles/2002/back302.html>