§ 4174. Records; transcripts and certifications by commissioner; fees. 1. The commissioner or any person authorized by him shall:

(a) upon request, issue to any applicant either a certified copy or a certified transcript of the record of any death registered under the provisions of this chapter (1) when a documented medical need has been demonstrated, (2) when a documented need to establish a legal right or claim has been demonstrated, (3) when needed for medical or scientific research approved by the commissioner, (4) when needed for statistical or epidemiological purposes approved by the commissioner, (5) upon specific request by municipal, state or federal agencies for statistical or official purposes, (6) upon specific request of the agent charged with controlling disposition of a decedent's remains, as designated pursuant to subdivision three of section four thousand two hundred one of this chapter, spouse, domestic partners as defined in paragraph (c) of subdivision one of section four thousand two hundred one of this chapter, children, siblings or, parents of the deceased or the lawful representative of such persons, or (7) pursuant to the order of a court of competent jurisdiction on a showing of necessity; except no certified copy or certified transcript of a death record shall be subject to disclosure under article six of the public officers law;

(b) issue certified copies or certified transcripts of birth certificates only (1) upon order of a court of competent jurisdiction, or (2) upon specific request therefor by the person, if eighteen years of age or more, or by a parent or other lawful representative of the person, to whom the record of birth relates including authorized representatives of a local social services district if the person is in the care and custody or custody and guardianship of such district, or (3) upon specific request therefor by a department of a state or the federal government of the United States;

(c) upon request, issue a wallet-size certification of birth, in a form and bearing a design provided by the commissioner. Each applicant for a wallet-size certification of birth shall remit to the commissioner with such application, a fee determined by the department;

(d) upon request, issue certification of birth or death unless in his judgment it does not appear to be necessary or required for a proper purpose;

(e) furnish non-identifiable statistical information in tabular or

machine readable format for research activities if satisfied that the same is required for a proper purpose, and the commissioner is authorized to fix and to require payment of a fee sufficient to compensate the state for the expense of providing the requested information;

(f) be deemed to have complied with the applicable provisions of paragraphs (a) and (b) of this subdivision by the issuance of a certified transcript of the desired certificate or record instead of a certified copy thereof except where the requester shall show, to the satisfaction of the commissioner or his authorized representative, a demonstrated need for such certified copy, or where a court order rendered pursuant to the provisions of paragraph (b) of this subdivision contains an express recital or direction therein that the issuance of a certified transcript of such certificate or record in place of a certified copy thereof shall not be considered to be in compliance therewith;

(g) upon request of a board of elections, issue certification of death.

2. Each applicant for a certification of birth or death, certificate of birth data or for a certified copy or certified transcript of a birth or death certificate or certificate of birth data shall remit to the commissioner with such application a fee of thirty dollars in payment for the search of the files and records and the furnishing of a certification, certified copy or certified transcript if such record is found or for a certification that a search discloses no record of a birth or of a death.

3. For any search of the files and records conducted for authorized genealogical or research purposes, the commissioner or any person authorized by him shall be entitled to, and the applicant shall pay, a fee of twenty dollars for each hour or fractional part of an hour of time of search, together with a fee of two dollars for each uncertified copy or abstract of such record requested by the applicant or for a certification that a search discloses no record.

4. No fee shall be charged for a search, certification, certificate,

certified copy or certified transcript of a record to be used for school entrance, employment certificate or for purposes of public relief or when required by the veterans administration to be used in determining the eligibility of any person to participate in the benefits made available by the veterans administration or when required by a board of elections for the purposes of determining voter eligibility or when requested by the department of corrections and community supervision or a local correctional facility as defined in subdivision sixteen of section two of the correction law for the purpose of providing a certified copy or certified transcript of birth to an incarcerated individual in anticipation of such incarcerated individual's release from custody or to obtain a death certificate to be used for administrative purposes for an incarcerated individual who has died under custody or when requested by the office of children and family services or an authorized agency for the purpose of providing a certified copy or certified transcript of birth to a youth placed in the care and custody or custody and guardianship of the local commissioner of social services or the care and custody or custody and guardianship of the office of children and family services in anticipation of such youth's discharge from placement or foster care. Whenever a request is made by the department of corrections and community supervision for a certified copy or certified transcript of birth on behalf of an incarcerated individual pursuant to this section, a certified copy of the sentence and commitment or certificate of conviction shall be deemed to grant authorization by the incarcerated individual to the department to submit such request on their behalf, and no other authorization shall be required.

5. (a) The United States social security administration may obtain information from death certificates needed in the administration of old-age and survivors insurance benefits laws, subject to the provisions of any contract entered into pursuant to paragraph (b) of this subdivision.

(b) In addition, the commissioner or any person authorized by the commissioner is authorized and directed to enter into a contract to furnish the federal secretary of health and human services information concerning individuals with respect to whom death certificates have been

officially filed with the commissioner. Such contract shall not include any restriction on the use of information obtained by such secretary pursuant to such contract, except that such contract may provide that such information is only to be used by the secretary (or any other federal agency) for purposes of ensuring that federal benefits or other payments are not erroneously paid to deceased individuals.

6. The federal agency in charge of vital statistics may obtain, at a fee acceptable to the commissioner, information from birth and death certificates for use solely as statistical data.

7. Except as herein otherwise provided, the commissioner is authorized to establish rules and regulations whereby searches may be made and certifications, certified copies and certified transcripts of birth and death certificates furnished without fees to federal, state and municipal departments for official purposes.

8. The commissioner, the commissioner of health of the city of New York, or any person authorized by the commissioner having jurisdiction shall immediately notify the division of criminal justice services in the event that a copy of a birth certificate or information concerning the birth records of any person whose record is flagged pursuant to paragraph (i) of subdivision two of section four thousand one hundred of this article is requested. In the event that a copy of the birth certificate of a person whose record is so flagged is requested in person, the personnel accepting the request shall immediately notify his or her supervisor. The person making the request shall complete a form as prescribed by the commissioner or, in the city of New York, the commissioner of health of the city of New York, which shall include the name, address and telephone numbers and social security number of the person making the request. A motor vehicle operator's license, or if such license is not available, such other identification as the commissioner, or in the city of New York, the commissioner of the New York city department of health, determines to be satisfactory, of the person making the request shall be presented, shall be photocopied and returned to him or her. The person receiving the request shall note the physical description of the person making the request and his or her

supervisor shall immediately notify the local law enforcement authority as to the request and the information obtained pursuant to this subsection. When a copy of the birth certificate of a person whose record has been flagged is requested in writing, the law enforcement authority having jurisdiction shall be notified as to the request and shall be provided with a copy of the written request. The registrar shall retain the original written response.

9. The commissioner may institute an additional fee of fifteen dollars for priority handling for each certification, certified copy or certified transcript of certificates of birth, death, or dissolution of marriage; or fifteen dollars for priority handling for each certification, certified copy or certified transcript of certificate of marriage.