



Association of Professional
GENEALOGISTS

Code of Ethics Review Committee, 2023-2024 Recommendations to the Board

29 March 2024

Mark A. Wentling, MLS, CG[®], Chair & Board Member
LaBrenda Garret-Nelson, JD, LLM, CG[®], CGL^(SM), FASG, Member
Debbie Kennett, Member
Jessica Taylor, Board Member

Executive Summary

The Committee recommends the Board adopt the following revised Code of Ethics & Professional Practices (“Code”):

“...I agree to:

- 1. Communicate genealogical work in a clear, well-organized manner using evidence from reliable and fully cited sources, giving proper credit to work that is not my own, without withholding or knowingly misrepresenting sources or data;**
- 2. Represent my abilities, credentials and services accurately, and avoid the use of misleading or exaggerated statements;**
- 3. Engage in sufficient continuing education to maintain competence and comply with applicable requirements;**
- 4. Prepare and abide by written agreements regarding scope, timeframes, deliverables, fees, expenses, payment structures, ownership and disclosure, while keeping the client informed of progress or delays;**
- 5. Disclose potential conflicts of interest;**
- 6. Take appropriate measures to safeguard information concerning living people, to maintain confidentiality of data, research, and client communications, and to obtain informed consent before using or publicly sharing information;**

7. **Comply with terms of service, privacy policies, laws and regulations, and applicable rules and guidelines, including those concerning copyright, privacy, data protection, and business practices, and refrain from encouraging others to violate them;**
8. **Refrain from mutilating or rearranging records, or removing them from their proper custodians;**
9. **Refrain from soliciting established clients of another researcher through denigration or other improper means;**
10. **Treat other genealogists, genealogical organizations, and the profession with civility and respect, engaging in fair criticism while refraining from statements that malign or purposely injure.”**

The Committee further recommends the Board consider adopting the following non-discrimination statement (NDS), separate from the Code:

“The Association of Professional Genealogists is committed to fostering an inclusive community in which all participants are treated with dignity and respect, regardless of (but not limited to) ethnicity, sexual orientation, sex, gender, marital status, disability, age, religion, socioeconomic status, nationality, or political affiliation.”

Background

The current Code was last revised in 2016. Since then, the landscape of professional genealogy has changed, most notably in the proliferation of the use of DNA by genealogists to assist law enforcement investigations, greater interaction on social media between members with each other and the public, explosive growth in commercial genealogy, and more recently the rise of generative artificial intelligence and its use in genealogical work.

In addition to their considerable experience and talents as genealogists, Committee members brought their own perspectives, expertise and concerns to these issues:

LaBrenda Garrett-Nelson, in addition to a long career of leadership in the field, had as past President of the Board for the Certification of Genealogists led that organization through its most recent update to its code of ethics, with notable additions addressing the ethical use of DNA and the privacy rights of living people;

Debbie Kennett, as a U.K. resident, brought a critical non-U.S. perspective to discussions, as well as a significant prior published thought work on ethical issues surrounding DNA and privacy;

Jessica Taylor, as founder, President & CEO of Legacy Tree Genealogists, Inc., gave voice to the important perspective of the commercial professional genealogy community;

Mark A. Wentling, as adjunct professor of genealogy at the University of New Haven, and a business owner specializing in probate work for attorneys and traditional genealogy, brought perspectives on where new genealogists, particularly those working with law enforcement, have trouble understanding existing standards and ethical expectations in the field, as well as other issues common in business interactions.

The Committee met on a bi-weekly, or more-frequent, basis from 10 October 2023 to 27 March 2024. Meetings were conducted over Zoom, augmented by discussions on Basecamp, and in working documents hosted at Google Docs.

The Committee sought to ensure through its recommendations that the Code be:

- Meaningful and applicable to members wherever their country of residence
- Clear to members and the public
- Concise, with emphasis on simplicity over detailed lists of permissions or prohibitions
- Practicable by members
- Enforceable by the Professional Review Committee
- Evergreen in its principles and wording
- Evidence-type agnostic
- Address current issues in the field affecting members

Internal Input

The Committee sought input from several internal stakeholders:

The Professional Review Committee is tasked with receiving and adjudicating complaints against APG members for alleged violations of the Code. The Chair of the Professional Review Committee (PRC) gave input to the Committee on the most common reasons behind complaints. Most notable among them were complaints caused by either a lack of timely communication by the genealogist, or the genealogist's lack of sufficient knowledge to do the agreed work, leading to the genealogist concealing mistakes or the reasons for lack of results, often by going silent.

The Executive Director provided examples of the types of issues that come to her desk, but don't necessarily become complaints considered by the PRC. The Committee considered each of these.

Members were surveyed for their concerns. We created a survey that asked members for their input on 1.) what parts of the Code needed change, 2.) what areas the Code did not address but needed to, and 3.) any other comments. Members were given the option to respond publicly

on the APG website in the “Ethics & Professional Practices” Member Group, or privately, either by name or anonymously, via a Google Form (<https://forms.gle/GCfMaCTXd8PvKS3a8>). The survey was announced in the November issue of the *eNews* and on APG’s Facebook and LinkedIn social media accounts. Responses were collected for two weeks, from November 1 to 15. The response rate was very low: the Member Group post received two comments and the Google Form received ten responses. Members who did respond were most concerned that the Code be updated to address the use of generative AI in genealogy, and the ethical use of DNA by genealogists who assist law enforcement, also known as forensic investigative genetic genealogy (FIGG). The latter concern elicited especially strong responses in light of the then-recent revelation that several genealogists assisting law enforcement had routinely broken terms of service at the genetic genealogy website GEDmatch by using a software loophole that permitted them to use the DNA results of other users’ who had expressly opted their DNA results out of law enforcement investigations. Some of the same genealogists had also directed others under their employment or supervision to do the same. Other members’ concerns raised were that the code reflect the fact that not all members take clients, not all are credentialed, and that educational levels and plans vary. One member pointed out that the Code lacked a non-discrimination statement. Another member expressed hope that other organizations’ codes of ethics would be consulted for comparative purposes.

The 2016 Code of Ethics Review Committee’s working document was also made available to the Committee by the Executive Director. It contained multiple iterations of that group’s work, along with their dialog and rationale regarding changes that resulted in the existing Code. The Committee referenced this document often to understand the intent behind parts of the existing Code.

External Input

The Committee recognized the limitations of its own knowledge and perspectives, and sought input from several outside sources:

Positions of Other Organizations

The Committee took into account the codes of ethics and professional practices, laws, regulations and policies, and non-discrimination statements of other organizations, both U.S.-based and international, within and outside the field of genealogy, for concepts, terminology and phrasing that could inform and improve our work, while staying true to APG’s unique mission.

Codes of ethics included:

- Accredited Genealogists Ireland (AGI) (<https://accreditedgenealogists.ie/constitution/#code>)
- American Academy of Forensic Scientists (<https://www.aafs.org/article/review-ethics-committee-responsibilities-and-complaint-process>)
- American Board of Criminalistics (<https://www.criminalistics.com/ethics.html>)
- Association of Genealogists and Researchers in Archives (AGRA) (UK) (<https://www.agra.org.uk/about-code-of-practice>)
- Association of Scottish Genealogists and Researchers in Archives (ASGRA) (<https://www.asgra.co.uk/CODE%20OF%20PRACTICE%20JULY%202016.pdf>)
- Board for Certification of Genealogists (BCG) (<https://bcgcertification.org/ethics-standards/>)
- International Association of Jewish Genealogical Societies (IAJGS) (<https://www.iajgs.org/code-of-conduct/>)
- National Genealogical Society (U.S.) (<https://www.ngsgenealogy.org/free-resources/guidelines/>)
- Northeastern Association of Forensic Scientists (<https://www.neafs.org/code-of-ethics>)
- Register of Qualified Genealogists (UK): (<https://www.qualifiedgenealogists.org/the-professional-code>)
- Salt Lake Institute of Genealogy (SLIG) (<https://slig.ugagenealogy.org/cpage.php?pt=573>)
- Society of Genealogists (U.K.) (<https://www.sog.org.uk/education/learning-hub/guides-tips/standards-and-good-practice>)

Laws, regulations, guidelines and policies included:

- European Commission, *AI Act* (2024) (<https://digital-strategy.ec.europa.eu/en/policies/regulatory-framework-ai>)
- European Union, *General Data Protection Regulation (GDPR)* (<https://gdpr.eu>)
- National Technical Validation and Implementation Committee (U.S.) (<https://www.sciencedirect.com/science/article/pii/S2589871X2300133X>)
- U.S. Department of Justice, *Interim Policy: Forensic Genetic Genealogy DNA Analysis and Searching* (<https://www.justice.gov/olp/page/file/1204386/dl>)
- *University College London* (UK) (<https://library-guides.ucl.ac.uk/referencing-plagiarism/acknowledging>)
- *University of Dundee* (UK), *Use of Generative Artificial Intelligence For Students* (<https://www.dundee.ac.uk/guides/use-generative-artificial-intelligence-students>)

Non-discrimination Statements:

- AGRA Equal Opportunity Statement (<https://www.agra.org.uk/about-code-of-practice>)
- American Counseling Association (<https://www.counseling.org/resources/aca-code-of-ethics.pdf>)
- American Library Association (<https://www.ala.org/tools/ethics>)
- Code of Ethics for Engineers (<https://www.nspe.org/resources/ethics/code-ethics>)
- Genetic Genealogy Tips and Techniques *Facebook* group (<https://www.facebook.com/groups/geneticgenealogytipsandtechniques/posts/373320149798358/>)
- Legacy Tree Genealogists (internal)
- National Association of Realtors (<https://www.nar.realtor/about-nar/governing-documents/code-of-ethics/2024-code-of-ethics-standards-of-practice>)
- National Association of Social Workers (<https://www.socialworkers.org/About/Ethics/Code-of-Ethics/Code-of-Ethics-English/Social-Workers-Ethical-Responsibilities-to-the-Broader-Society>)
- National Education Association (U.S.) (<https://www.nea.org/resource-library/code-ethics-educators>)
- Salt Lake Institute of Genealogy (SLIG) (<https://slig.ugagenealogy.org/cpage.php?pt=573>)

Subject Matter Experts

The Committee interviewed and corresponded with subject matter experts in the two key areas of concern expressed by members:

Artificial intelligence (AI) Use in Genealogy

On 7 March 2024, the Committee met with Steve Little, National Genealogical Society AI Program Director, to hear his thoughts and to pose questions on the ethical implications of generative AI in genealogical work. [Notes from this meeting are found in Appendix D.]

The Committee also considered advice in Blaine T. Bettinger’s recent article, “Leveraging Artificial Intelligence Tools for Genealogical Research,” published in the *APG Quarterly* 38 (Dec. 2023): 8.

Genealogical Use of DNA in Law Enforcement Investigations

On 11 March 2024, the Committee met with Dr. Claire Glynn, founding director of the Online Graduate Certificate in Forensic Genetic Genealogy program at the University of New Haven, member of the National Technical Validation and Implementation Collaborative, and a widely-recognized leader in the fields of forensic science and FIGG, to understand ethical

considerations in the FIGG field and discuss potential changes to the Code to address them.

Rationale for Code Changes

Taking the foregoing diverse perspectives of its members and outside experts into account, the Committee made several recommended changes to the Code, outlined in the table below.

Each clause in the current Code is given in the left-hand column. The Committee’s recommended changes are given in the right-hand column. The Committee’s rationale for the recommended changes are given in the wider row beneath each recommendation.

Note: Order of some current Code items reordered for clarity.

Current	Recommended
<p>Present research results and opinions in a clear, well-organized manner;</p> <p>Refrain from withholding, suppressing, or knowingly misquoting or misinterpreting sources or data;</p> <p>Report appropriately qualified genealogical conclusions in writing based on the weight of the evidence with fully and accurately cited sources;</p> <p>Give proper credit to the work of others and refrain from plagiarism;</p>	<p>Communicate genealogical work in a clear, well-organized manner using evidence from reliable and fully cited sources, giving proper credit to work that is not my own, without withholding or knowingly misrepresenting sources or data.</p>
<p>Comments: The four current clauses each contain closely interrelated aspects of the same concerns. We combined them. We also purposefully used words reflecting that results are delivered in many ways, not just in writing. We addressed concerns about being transparent with generative AI use (a non-human source) by requiring credit to work “not one’s own,” with full citation, and without misrepresenting the nature of that source (e.g. not presenting a nonhistorical generated image as historical). We dropped the term “plagiarism,” since the new wording fully addressed the same concern.</p>	

<p>Represent my abilities, services, and credentials honestly, avoiding the use of misleading or exaggerated statements;</p>	<p>Represent my abilities, credentials and services accurately, and avoid the use of misleading or exaggerated statements;</p>
<p>Comments: Replaced “honestly” with “accurately” for greater precision. The retained phrase “represent my abilities, credentials and services accurately” applies to common scenarios where clients may ask for help outside the time or place of a genealogist’s expertise. It also directly addresses a current problem in FIGG in which some genealogists without relevant expertise have directed law enforcement to use certain labs and scientific tests, resulting in invalid results, evidence destruction, and business being steered to labs based on their higher brand awareness among genealogists rather than their appropriateness for the case.</p>	
<p>Prepare and abide by written agreements regarding applicable project scope, fees, charges, payment structures, and deliverables without concealment or misrepresentation;</p>	<p>Prepare and abide by written agreements regarding scope, timeframes, deliverables, fees, expenses, payment structures, ownership and disclosure, while keeping the client informed of progress or delays</p>
<p>Comments: Removed “without concealment or misrepresentation” because “abide by” already implied as such. Added “timeframes” and “keeping the client informed of progress or delays” to address feedback from the PRC that a great number of complaints are based on a general lack of communication from the member to their client. Added “ownership and disclosure” to address issues of ownership and sharing of all case materials and information, whether in the context of genealogists distributing client material and vice versa, or using it in their future work. It also addresses a specific problem in FIGG whereby some genealogists assert ownership over results they produce under contract with law enforcement cases, or improperly publicize such results leading in some cases to compromised court proceedings and families of crime victims learning of case discoveries through the genealogist’s social media rather than official channels. Changed “charges” to “expenses” for clarity.</p>	
<p>Maintain confidentiality of client communications and research, except as permitted in writing by the client or required by court or professional disciplinary proceedings;</p> <p>Treat information concerning living people with appropriate discretion;</p>	<p>Take appropriate measures to safeguard information concerning living people, to maintain confidentiality of data, research, and client communications, and to obtain informed consent before using or publicly sharing information;</p>

Comments: The 2016 committee saw the first current clause as primarily relating to clients, and the second relating to non-clients. Developments in modern genetic genealogy, particularly in the context of law enforcement use, have blurred that distinction. The Committee combined and modified the clauses into one and added the language “take appropriate measures” to signal that it is the genealogist’s ethical responsibility to understand the proper means of protecting privacy in any given situation and to carry that out. For example, privacy considerations are different when publishing an article, versus sharing contact information for a new-found relative in a report to a client, versus sharing vital records, names and addresses for living estate heirs in an affidavit to a court, versus sharing a DNA match’s name with law enforcement in a criminal investigation, versus privately sharing DNA match details in a portfolio as part of a confidential credentialing process. Finally, we removed the enumerated list of exceptions because we cannot anticipate all valid ones.

Refrain from violating or encouraging others to violate laws or regulations concerning copyright, rights to privacy, business practices, or other pertinent subjects;

Comply with terms of service, privacy policies, laws and regulations, and applicable rules and guidelines, including those concerning copyright, privacy, data protection, and business practices, and refrain from encouraging others to violate them;

Comments: Added “terms of service, privacy policies,” and retained prohibition of “encouraging others to violate them,” in order to address the recent issues with GEDmatch use, and similar scenarios that may arise. Added “data protection.” Added “applicable rules and guidelines” to acknowledge that genealogists working in related fields, such as with attorneys or law enforcement, may also need to understand and comply with their related requirements.

Refrain from mutilating, rearranging, or removing from their proper custodians printed, original, microfilmed, or electronic records;

Refrain from mutilating or rearranging records, or removing them from their proper custodians.

Comments: Simplified by removing examples of record types.

Refrain from behaviors or statements that malign or are maliciously calculated to injure the profession; individual genealogists; genealogical associations, programs, or educational organizations; or the Association of Professional Genealogists.

Treat other genealogists, genealogical organizations, and the profession with civility and respect, engaging in fair criticism while refraining from statements that malign or purposely injure.

<p>Comments: Rephrased to state positive behavior first. Added requirement for collegial conduct, in part to address concerns about civility in online discourse. Removed statement specifying APG and educational organizations, since the retained phrases “genealogical organizations” and “the profession” are sufficient.</p> <p>Related to the definition of civility, we agreed to propose to the board language for a non-discrimination statement for it to consider adopting separately from the Code.</p>	
Refrain from soliciting established clients of another researcher through denigration, violation of laws or regulations, or other improper means;	Refrain from soliciting established clients of another researcher through denigration or other improper means;
<p>Comments: Removed “violation of laws or regulations,” since recommendation #7 already requires compliance with them.</p>	
Engage in sufficient continuing education to maintain competence and comply with applicable requirements;	Engage in sufficient continuing education to maintain competence and comply with applicable requirements;
<p>Comments: No change recommended.</p>	
Disclose potential conflicts of interest;	Disclose potential conflicts of interest;
<p>Comments: No change recommended.</p>	

Rationale for Non-Discrimination Statement

The Committee’s recommendations for the Code include language requiring “civility and respect” towards other genealogists, genealogical organizations, and the profession. The Committee believes that an NDS could help define, in part, what civility and respect should entail in the context of professional behavior. The Committee proposes that the Board consider adopting a NDS for this reason, and also based on survey feedback from one member who noted that APG lacked one.

The Committee grappled with whether including groups of people by categories risked giving the impression that any categories not mentioned were not covered by the statement. The Committee added the phrase “but not limited to” to address this concern. Likewise, the Committee considered whether including categories at all was an act that itself unfairly perpetuates the categorization of people based on perceived characteristics. The Committee

ultimately decided that the inclusion of categories could have the positive effect of welcoming a reader who sees themselves reflected in them, and therefore choose to leave them in. One category the Committee purposely chose to exclude was “race,” on the basis that it is fast becoming a deprecated term and, in fact, is considered an offensive term in Europe. The term “ethnicity” is used instead.

While APG can hold itself accountable to such a statement as an organization, the Committee recognized that APG cannot regulate the private opinions or behavior of its members, including when conducted in public forums, even though some might regard them as reflecting poorly on the organization or profession. Consequently, the Committee recommends the board consider adopting the NDS separately from the Code. Many organizations have taken the same position as the Committee, while others have taken a different approach. For example, Salt Lake Institute of Genealogy has elected to embed its statement in its code.

The Committee believes that for APG, the new civility and respect provision will be adequate for the public to bring complaints, and for the PRC to adjudicate them, while alleviating the need for APG to police the myriad opinions and behavior of its members in their private conduct, including in the innumerable non-genealogical public forums in which they participate.