



Association of Professional  
**GENEALOGISTS**

June 8, 2026

Commissioner Shawn(ta) Smith-Cruz  
Department of Records and Information Services  
31 Chambers Street  
New York, NY 10007

**Re: Rebuilding accountability and public trust at DORIS**

Dear Commissioner Smith-Cruz,

The Association of Professional Genealogists (APG) offers its congratulations on your appointment as Commissioner, and we express our appreciation for setting a new direction for the New York City Department of Records and Information Services (DORIS) and its Municipal Archives and Municipal Library. We look forward to a DORIS that carries the values the Mamdani administration has emphasized across City government: making public services easier to use, more affordable, and more responsive to the people who rely on them.

APG is a not-for-profit 501(c)(6) professional organization dedicated to the growth and enhancement of the genealogical profession. Founded in 1979, APG is the world's largest association for professional genealogists, representing more than 2,000 members across forty countries. While our membership is worldwide, New York City represents a significant source of historical inquiry among our members on behalf of their clients.

Our members' work, and our clients' understanding of New York City's history, depend on reliable stewardship of the City's treasured public records and consistent access to them. This access should serve the greatest number of users possible, expanded to the fullest extent of the City's capacities and resources, free from unnecessary administrative barriers. When the City's Archives are well-run, New Yorkers can reap the benefits of accessing the documentation that details both their own histories and that of New York City itself.

APG would welcome the opportunity to be a resource and a partner as you take the helm at DORIS. In that spirit, further below, APG shares several suggestions for policy changes that could expand access to New York's history, some of which could be enacted immediately at low cost, while others reflect longer-term goals. In addition, we write to supply you with background on DORIS's policies and practices over the last fifteen years, which, counter to the Mamdani administration's values, limited access to the public despite substantial investments in digitization.

APG suggests three areas of focus, highlighted below, along with accompanying appendices that provide more detail on the matters of importance within DORIS's recent history.

### **Opportunities to Remove Barriers to Public Access**

DORIS can make immediate, low-cost improvements to access by removing unnecessary barriers to already-digitized records. APG urges DORIS to re-engage with FamilySearch and authorize broader online access to Municipal Archives records. Access to these records, ranging from Manhattan death certificates to 19th-century coroners' records, is restricted to FamilySearch Centers only. We urge DORIS to review its digital image collections and indexes and ensure that these collections are publicly available on the new Preservica platform. These steps would expand access with minimal cost, allowing funds to be redirected to solving other challenges at DORIS.

### **Opportunities to Establish Equitable Fee Structures**

DORIS can make access to historical records more equitable by revisiting fee policies that impose disproportionate costs on ordinary people seeking basic public records. APG urges DORIS to create a low-cost uncertified digital-copy option for all historical vital and to update its public rules and ordering pages accordingly. Vital records—among the records most frequently requested—are often priced at \$18 for a one or two-page copy, while other archival scans are usually available for 25 cents per page. We hope that this fee structure can be reviewed because a fairer and more transparent structure would ensure that fees are compliant with public records laws.

### **Opportunities to Improve Public Engagement**

Genealogists, including APG members, are one of the largest user groups of DORIS's resources. While genealogists are very familiar with DORIS's standard vital record holdings, we believe that the genealogy community still has much to learn about many other record collections held by DORIS, such as some of the more obscure City Clerk marriage records, or the New York County DA records, now becoming available via DORIS's expansion of its online catalog and/or its digital collections. We would welcome the opportunity for an ongoing conversation to expand awareness of DORIS's resources and to provide input as DORIS sets a new direction.

We know you envision DORIS becoming a model public records agency: one that preserves New York City's past while effectively serving New Yorkers today. We welcome an opportunity to serve as a resource as DORIS undergoes this important transformation under your new leadership.

Respectfully,



**Michelle Dwyer Cohen**

Executive Director, Association of Professional Genealogists

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# Table of Contents

Appendix I: Vital Records .....	4
Appendix II: Questionable Digitization Priorities.....	9
Appendix III: Excessive Publication Backlogs .....	10
Appendix IV: A New Consolidated DORIS Oversight Board: The Library and Archival Review Advisory Board .....	13
Appendix V: Opaque Pricing Structures .....	15
Appendix VI: Archives Are Chronically Underfunded .....	20

## Appendix I: Vital Records

*Which collections comprise the vital records at the Municipal Archives?*

The collections include births, 1847–1909; marriages, 1829–1949; deaths, 1795–1950; and related indexes, with gaps, and with the bulk of records starting in 1866, as described in <https://a860-collectionguides.nyc.gov/repositories/2/resources/74>.

*Why are these records so valuable for genealogists?*

Vital records provide biographical sketches of individuals throughout their lives, documenting the connection between generations. Even today, these records retain significant legal value, including in probate proceedings and citizenship applications.

*How much use do the vital records collections see?*

DORIS issues thousands of certified copies of vital records annually, and genealogists likely consult hundreds of thousands of certificates every year. At this time, they do so primarily through the Historical Vital Records website.

*What is the history of how these records were transferred to the Municipal Archives?*

Birth, marriage and death records were originally filed with and maintained by the New York City Department of Health (DOH). Starting in 1908, the City Clerk also began issuing marriage licenses. After a period of overlapping authority with the DOH, the City Clerk assumed sole authority for marriages starting in 1938. These vital record series were transferred to DORIS in haphazard batches. The last large transfer of vital records occurred in 2016, when the City Clerk transferred 20 years of marriage licenses.<sup>1</sup> The last large transfer from the Health Department occurred about 30 years ago.<sup>2</sup> It is our view that the public at large has been harmed by the lack of archival access to 20<sup>th</sup>-century vital records. We hope that DORIS may one day have a larger role in setting retention policies, but this is an issue with DOHMH, not DORIS.<sup>3</sup>

*Are the vital record collections available outside of 31 Chambers Street and the Historical Vital Records website?*

In the early 1980s, the Genealogical Society of Utah, now branded as FamilySearch, approached DORIS to assist with making copies of their accessioned vital records microfilms, so that they could be available for research at the Family History Library

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<sup>1</sup> <https://www.cityclerk.nyc.gov/assets/cityclerk/downloads/pdf/record-room-notice-2016.pdf>

<sup>2</sup> As of 1991, DORIS had accessioned the Brooklyn and Manhattan marriage certificates, although we believe the remaining boroughs didn't transfer until a few years later.

<https://jgsny.org/publications/dorot/edoc-back-issues/winter1991-1992/download>, p. 8

<sup>3</sup> In 2017, the Health Department codified a very illiberal retention schedule (despite thousands of virtually unanimous public comments in opposition), whereby they will not transfer any historic birth certificates to the archives for 125 years or historic death certificates for 75 years. This does mean that starting from 2025, they transfer one year of death records annually. See §207.21 at <https://www.nyc.gov/assets/doh/downloads/pdf/about/healthcode/health-code-article207.pdf>

(now the FamilySearch Library) in Salt Lake City (Exhibit A).<sup>4</sup> Thus, starting in the 1980s, FamilySearch began to copy millions of DORIS's birth, marriage, and death certificates. These microfilms were available not only in Salt Lake City but could also be loaned to thousands of FamilySearch Centers worldwide.<sup>5</sup>

In the 2010s, FamilySearch began digitizing all of their microfilms, which was largely completed by 2017.<sup>6</sup> Public access to the digitized DORIS records started in September 2017 at FamilySearch Centers and at FamilySearch Affiliate Libraries. FamilySearch Centers are usually staffed by volunteers while Affiliate Libraries are much broader in nature and include public libraries, historical societies, and similar organizations that partner with FamilySearch to provide access to a wider swath of records. The centers frequently have limited hours, while affiliate libraries usually offer many more hours of access each week.

DORIS's response to expanded access at the Affiliate Libraries was not appreciation, but a November 2017 cease-and-desist letter to FamilySearch, demanding that they remove access from the Affiliate Libraries:

“We request that you reconfirm to us in writing that FSI will continue to honor its agreement with the City by limiting access to digital copies of the NYC records it obtained from DORIS to in-library viewing by patrons at FSI family history centers and that access to such digital records will not be made available online to affiliate libraries” (Exhibit B).

These restrictions remain in place today.

*Can the FamilySearch access restrictions be modified or removed?*

Yes. FamilySearch seeks the broadest possible access for all the records it holds. The only barrier to providing access to all of their digitized DORIS microfilm is that they have not received permission from DORIS to enable this access. We are very familiar with FamilySearch and are confident that the organization would welcome a new dialogue with DORIS and its leadership.

*Doesn't DORIS provide access to these same records through the Historical Vital Records website? How and when did those records get digitized?*

In parallel with FamilySearch's digitization of their microfilm copies, DORIS contracted to produce color scans of the original paper vital records. Although the microfilm copies were useful, the paper records can contain additional information; original records were

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<sup>4</sup> FamilySearch has done projects like this with archives all over the world; there are billions of records available on microfilm at the library. In fact, in 2004, after Cyclone Heta devastated the Pacific island of Niue, microfilmed records in Utah became the only surviving records, and FamilySearch was able to provide the copies back to the Niuean government.

<https://newsroom.churchofjesuschrist.org/article/priceless-national-records-saved-by-latter-day-saint-microfilm-efforts>

<sup>5</sup> Find a FamilySearch Location at <https://locations.familysearch.org/en/search>

<sup>6</sup> <https://www.familysearch.org/en/help/helpcenter/article/microfilm-circulation-service-has-been-discontinued>

amended after microfilming by the DOH, certificates may have been skipped, and the backs of early 20th century death certificates were frequently not captured. Digitizing the originals is important but costly.

Beginning in 2013, DORIS contracted with New York State Industries for the Disabled (NYSID), a vendor that has done scanning projects for many New York City and State government agencies. The contract covered digitizing the original DOH birth, marriage, and death certificates and was done in two phases at a cost of \$1.2 million. The original 2013-2015 project scanned about 5 million documents, while the 2016-2017 project covered the remaining 5 million<sup>7</sup> (Exhibits C and D).

*If the contracts were completed, why are millions of records not available as color scans?*

In September 2015, DORIS discovered that the single storage unit on which they had loaded the phase one scans was corrupt, resulting in the potential loss of all 5 million PDF documents. They had left all of the images on a “Drobo” drive, pending installation of new data storage servers, and had not made any backups. The agency sought permission from the comptroller to enter an emergency agreement, at a cost of about \$65,000, with ESS Data Recovery, to salvage whatever data could be restored from the drives (Exhibit E).<sup>8</sup>

In 2017, ESS was able to recover almost 50 percent of the 5 million PDFs. The files that could not be recovered were almost all Manhattan death records and some Brooklyn deaths, which we estimate were about 2.7 million PDFs. While the original paper documents remain available, DORIS lost the product of over \$250,000 of work, in addition to the \$65,000 spent to recover the files.

As a substitute, DORIS has begun to scan the microfilm copies of these death records, but almost a decade later, only the small number of Brooklyn deaths and the 1920–1948 Manhattan deaths have been digitized. The 1876–1919 Manhattan deaths remain unavailable on the Historical Vital Records website.

*The records were substantially digitized by 2017. Did DORIS provide prompt public access to these new color scans?*

By the middle of 2017, the vital records certificate scanning projects were substantially completed. For the next year, staff had access to the extant scans, while patrons still only had microfilm access.

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<sup>7</sup> Likely as a cost-saving measure, DORIS opted to not include the more-detailed City Clerk marriage license series, only digitizing the somewhat overlapping DOH marriage certificate series.

<sup>8</sup> DORIS continued to do business with NYSID, as the parties were negotiating the second contract at the same time as they discovered the data loss and they signed the agreement shortly afterwards. The new contract added a provision that NYSID maintain copies of the data for the duration of the contract. It is our understanding that DORIS viewed the drive failure as their responsibility and not NYSID’s.

In summer of 2018, DORIS rolled out on-site access to the scans for patrons via their computer terminals. This was view-only access; patrons were not allowed to download or email themselves copies; they instead needed to pay \$11 for a printed copy.<sup>9</sup>

In March 2020, the Archives closed for 18 months due to the COVID-19 pandemic. While remote access could have provided much-needed access to patrons, DORIS chose not to provide it, and the records remained unavailable until late 2021, when the Archives reopened.

In March 2022, six to eight years after the records were scanned, DORIS finally launched an online portal where the images were available for free.<sup>10</sup> While genealogists worldwide were elated at this development, it is noteworthy that this website launch occurred mere weeks after a Freedom of Information Law (FOIL) lawsuit was filed against the agency asking for all of their scanned images.<sup>11</sup>

Records loss is an unfortunate, sometimes unavoidable reality in the world of archives. However, in the case of this digitization project, there was no reasonable justification for such an expensive, years-long project not to have a plan to back up images as the batches were received. The public has desired and sought after reasonable access to New York City vital records for decades, and multiple missteps in the last decade have severely impeded that access.

*Has DORIS finally published all the vital records scans that it possesses?*

No. After DORIS launched the Historical Vital Records website, MyHeritage crawled the site by following the URL pattern used for hosted certificate images. When MyHeritage later published those images on its own platform, genealogists discovered tens of thousands of late nineteenth-century death certificates that were hosted on DORIS's backend but were not discoverable through DORIS's own public search interface. In other words, these records were technically online, but only accessible to someone who could infer or reverse-engineer the image URLs. To date, DORIS has not made those certificates available through its official public interface, despite already possessing and hosting the scans.

*Why would DORIS not post the images publicly?*

The likely explanation is indexing. As far as we know, the database underlying the Historical Vital Records search interface relies heavily on indexes created by the German Genealogy Group and the Italian Genealogical Group in the early to mid-2000s. Those groups used optical character recognition and manual indexing methods to transcribe microfilmed images of physical indexes that had been created by the Works Progress Administration. That index was then a significant improvement over the prior paper and microfilm indexes, but it was still an incomplete and imperfect product of its time. Around 2008, the German and Italian groups gifted DORIS an improved version of their

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<sup>9</sup> We discuss DORIS's esoteric fee structures in Appendix V.

<sup>10</sup> <https://a860-historicalvitalrecords.nyc.gov/>

<sup>11</sup> *Reclaim the Records et al. v. City of New York et al.*, No. 151337/2022, Doc. 1 (Verified Petition), available at <https://iapps.courts.state.ny.us/nyscef/ViewDocument?docIndex=5c50mJjg2a91fTSl2ORj1g==>

indexes. Over the last eighteen years, the groups have repeatedly offered DORIS updated versions of the database, but DORIS has declined them.

When Historical Vital Records launched in 2022, DORIS appears to have used the older, fourteen-year-old index rather than the improved index already available to it. In addition to being older and less accurate than the current index, that legacy database appears to have omitted many nineteenth-century death certificates that had simply not been indexed yet in 2008, including Manhattan deaths up to 1890.<sup>12</sup> Although most of the death certificates from this period had not been recovered through the ESS project, the certificates that *were* successfully recovered had apparently been hidden from public view because they were uploaded to the backend without corresponding searchable index entries.

DORIS could have made the images available even without a name index at all. The agency has already uploaded most marriage licenses without a name index, since those records are primarily retrieved by file number and borough. DORIS could have used the same limited-access model for these death certificates. Instead, it left them effectively hidden. Regardless, the genealogy groups' offer remains available, and DORIS could take possession of the improved index at any time.

*Are there any alternatives for completing the digitization project, namely, replacing the lost scans and digitizing records not originally part of the project?*

DORIS is very slowly scanning the microfilms of the records whose color scans were lost. DORIS has also continued to scan the marriage licenses in-house, as they were not covered in the original contracts. We laud any digitization efforts, but this process has been slow-going, and at the current rate, the project will likely take many years.<sup>13</sup> While DORIS needs additional funding to make this series of records available, collaborating with a nonprofit or commercial digitization partner, such as FamilySearch, could reduce the cost burden by providing no-cost scanning services for archives and help complete this record set in a much shorter timeframe.

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<sup>12</sup> DORIS gave Ancestry a copy of the Genealogy Societies' Indexes (purportedly without permission), so it is possible to query the 2008-era index via the Extracted Death Index on Ancestry.com.

<https://www.ancestry.com/search/collections/9131/>

<sup>13</sup> Digitized Death Records and Marriage Licenses charts at <https://a860-historicalvitalrecords.nyc.gov/digital-vital-records>

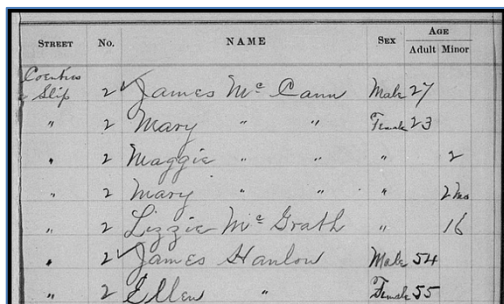
## Appendix II: Questionable Digitization Priorities

*Are there collections that DORIS has digitized that were already available in digital format elsewhere?*

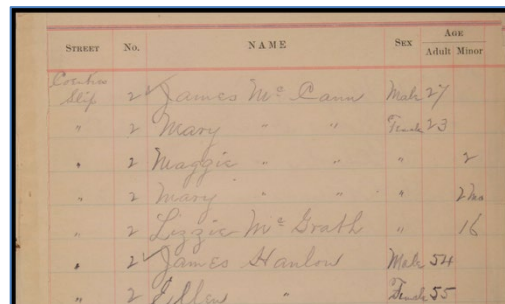
**1890 Police Census:** This was a census of New York City taken by the NYPD after the City believed that the Federal Census that year had undercounted the population. The surviving volumes of the census were preserved across 59 microfilms many years ago, and FamilySearch digitized them in 2017.<sup>14</sup> FamilySearch also created an index to these records with 1.5 million names.

DORIS could have authorized FamilySearch to show these images to patrons in their homes. Instead, DORIS applied for and received a grant from the Peck Stacpoole Foundation (Exhibit F) to “determine the feasibility of digitizing the census collection.” In 2024, the Foundation awarded DORIS a second grant to actually digitize the books.<sup>15</sup> Like the vital records, this digitization was from the originals and in color, so the quality is “better” than the microfilms, but only marginally so. The sharper contrast on the microfilm, ironically, makes the lower-quality version actually easier to read.

While APG is not privy to all of the facts that led to this decision, it is odd that this collection was chosen as a priority project. In addition to digitizing the records, DORIS also has an ongoing project at *From the Page* to use crowdsourcing to recreate an index that already exists.<sup>16</sup>



STREET	No.	NAME	SEX	AGE	
				Adult	Minor
Croton St.	2	James W. Cann	Male	27	
"	2	Mary " "	Female	23	
"	2	Maggie " "	"		2
"	2	Mary " "	"		2 mo
"	2	Lezzie W. Brath	"		16
"	2	James Hanlow	Male	54	
"	2	Ellen " "	Female	55	



STREET	No.	NAME	SEX	AGE	
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"	2	James Hanlow	Male	54	
"	2	Ellen " "	Female	55	

Left: FamilySearch Scan / Right: DORIS Re-scan

**Death Certificates Lost in the Vital Records Scanning Project:** As noted above FamilySearch has scans of all of DORIS’s death certificate microfilms. FamilySearch could provide access to these scans to DORIS at no cost. However, DORIS has decided to use their own time and labor to make new scans of the microfilms, slowly duplicating scans of records that have already been scanned.

Given DORIS’s limited resources, the agency should be careful not to duplicate digitization work that has been done elsewhere.

<sup>14</sup> <https://libcat.familysearch.org/Record/203070>

<sup>15</sup> <https://www.archives.nyc/blog/2025/2/21/the-1890-police-censusdigitized>

<sup>16</sup> <https://fromthepage.com/nyc-archives/1890-new-york-city-police-census>

## Appendix III: Excessive Publication Backlogs

*Where does DORIS share its digitized collections?*

For many years, DORIS posted digital collections on its Luna Imaging website. The images in these collections were generally lower-quality images and were watermarked. Thankfully, the Archives launched its Preservica website at [nycrecords.access.preservica.com](https://nycrecords.access.preservica.com) around early June 2024, where the Archives uploaded higher resolution, non-watermarked copies of many digital records.

*Have all digitized collections been published online for home access by patrons?*

Despite the availability of the Preservica portal, we are aware of the following collections that are not available remotely and therefore require an inquiry to Archives staff. The specific collections discussed below draw from DORIS's own collection descriptions, grant documentation, and digitization status reporting referenced in accompanying meeting minutes and annual reports.

**NYPD Criminal Investigation Photographs (1914–1975):** Under a \$225,000 joint National Endowment for the Humanities/New York State Library-funded preservation and access project in 2015, DORIS proposed to digitize and make publicly accessible on the internet approximately 30,000 photographs from the New York City Police Department's criminal investigation photograph collection (Exhibit G). According to contemporary reporting by the New York Times, "The photographs will be scanned starting in July and will be available for online viewing sometime after that."<sup>17</sup> That was eleven years ago. Tens of thousands of digitized images and related item-level descriptive data remain unpublished despite the official grant paperwork promising publication by Summer 2016.

Notably, DORIS had published a few thousand images years ago, but with the launch of the Preservica platform, those were taken offline. In fact, we are not even sure which catalog entry pertains to these records anymore, although it may be the "New York Police Department Photographs" despite there being no link to a finding aid and the inclusive dates not matching.<sup>18</sup>

While we recognize that there may be some records within the collection that some may find gruesome, and it is possible that DORIS decided to leave them unpublished for that reason, these are public records that DORIS digitized with federal grant money, contingent on their publication online. Both DORIS and the NEH agreed, at least in 2015, that the records should go online, so we are unsure what transpired in the interim.

**NYPD Photo Unit Negatives (1980–1999):** Archived accession information indicates that NYPD Photo Unit negatives from 1980–1999 were scanned by NYPD in 2018, with the resulting 2.5 terabytes of digitized files delivered to DORIS (including additional

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<sup>17</sup> New York Times, March 21, 2015, p. A15, *Dusting Off a Police Trove of Photographs to Rival Weegee's*, available online at <https://www.nytimes.com/2015/03/21/nyregion/reaching-into-the-past-the-police-dust-off-a-photographic-trove-to-rival-weegees.html>

<sup>18</sup> See catalog entry at <https://nycrecords.access.preservica.com/new-york-police-department-2/>

images spanning approximately 1963–2010).<sup>19</sup> DORIS has seemingly removed this entry from their catalog entirely, with the old catalog entry from 2022 preserved via the Wayback Machine.<sup>20</sup> To be clear, not only have the images not been published in the nearly seven years that DORIS has had them, but sometime in the last few years, DORIS removed even the basic description from their catalog acknowledging that they exist.

**Board of Estimate Volumes:** Oversight board documentation from 2020 references digitization of 41 volumes of the Board of Estimate records.<sup>21</sup> Despite their apparent digitization, they are still not available as a published online collection for public searching and browsing.

*Has DORIS published digital collections on a timely basis in the past?*

No, there are collections that DORIS digitized, or received in digital format, but did not share with the public for several years or up to a decade. DORIS’s delay in publishing these collections may reflect resource constraints, but its 2023 representation to the court was, at minimum, incomplete and difficult to reconcile with the later publication of collections that had already been digitized. As part of previously cited *Reclaim the Records* litigation, DORIS’s agency counsel filed a letter with the court affirming that all of their digitized records had been published online as of that date (Exhibit H). In fact, none of the collections mentioned here had been published. Instead, many of them only went online the following year with the launch of the Archives’ Preservica website.

**New York City Felony Indictment Records (1878–1893):** In 2013, DORIS completed a multi-year project to microfilm and digitize felony indictment case files (tens of thousands of prosecution cases, spanning hundreds of rolls of microfilm) and to provide online access to them. This project was made possible by another grant from the NEH, this time, for \$180,000 (Exhibit I). DORIS failed to publish them by the end of the year, as they promised to do in their final report to the NEH. They did not make the existence of the digitized files widely known to the research community, and again, did not disclose their existence to the court in their 2023 letter. The collection was finally launched in 2024, eleven years later.<sup>22</sup>

**New York County District Attorney Record of Cases (1896–1975):** Around 2019, DORIS digitized roughly 125,000 pages across more than 200 volumes of New York County District Attorney’s docket books.<sup>23</sup> While DORIS staff would send individual years upon request, they did not make it clear to the public that the scans existed until they published the full collection in 2024.<sup>24</sup> Again, these records were omitted from the 2023 letter.

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<sup>19</sup> <https://web.archive.org/web/20220616161809/https://a860-collectionguides.nyc.gov/repositories/2/accessions/496>

<sup>20</sup> Not Found message at <https://a860-collectionguides.nyc.gov/repositories/2/accessions/496>

<sup>21</sup> FY2020 ARB Report, p. 13, [https://a860-gpp.nyc.gov/concern/nyc\\_government\\_publications/wm117r01d?locale=en](https://a860-gpp.nyc.gov/concern/nyc_government_publications/wm117r01d?locale=en) citing the digitization of “Bound Materials, Board of Estimate, 41 Volumes”

<sup>22</sup> [https://nycrecords.access.preservica.com/uncategorized/SO\\_709f23b0-5937-49dc-9154-37e4fd813198/](https://nycrecords.access.preservica.com/uncategorized/SO_709f23b0-5937-49dc-9154-37e4fd813198/)

<sup>23</sup> Agenda Item 3 at <https://www.nyc.gov/assets/records/pdf/About/arb/minutes-arb-20190926.pdf>

<sup>24</sup> [https://nycrecords.access.preservica.com/uncategorized/SO\\_80f4fdbf-d52f-4f01-ad57-02afcb64b032/](https://nycrecords.access.preservica.com/uncategorized/SO_80f4fdbf-d52f-4f01-ad57-02afcb64b032/)

**Manhattan and Brooklyn Liquor Licenses and Rebate Documents:** For years, DORIS described this as a fully digitized set of liquor licenses and associated rebate documentation. However, online access before the Preservica launch only included approximately 4,300 images without the accompanying (and more extensive) rebate-document images that are part of the same record set. As of today, everything is online, but as of the 2023 letter, they were not.<sup>25</sup>

*Are the above lists comprehensive examples of unpublished digital collections at DORIS?*

The above are six examples documented through the limited information that genealogists have been able to uncover from published reports and minutes. We fear that DORIS, over the years, has digitized many other collections without fanfare or acknowledgment, so we have no way to know where to look for them.

*Do we expect DORIS to digitize all of its holdings?*

Digitization is always complicated and expensive. It is reasonable and expected that the vast majority of every archive's collections will not be scanned anytime in the near future. However, there are multiple documented cases of DORIS using taxpayer dollars to undertake digitization projects with publication as an explicit or implicit requirement. Notwithstanding, the publication of these taxpayer-funded efforts has been delayed, in some cases for more than a decade. Now that the modern Preservica records portal has launched, there should be no technical limitation preventing the publication of the remaining records.

*Have these delays impacted relations with the genealogy community?*

Yes. These delays have materially strained DORIS's relationship with the genealogy community because researchers have repeatedly learned that records were already digitized, publicly funded, or even promised for online access, yet remained unavailable or obscure for years. In some cases, even basic catalog descriptions disappeared or the existence of digitized files was not made clear to researchers. This has left genealogists unable to know what records exist or how to obtain them. It has also created the perception among researchers that access depends on insider knowledge or litigation.

These backlogs have damaged trust and reinforce the need for clearer inventories, publication timelines, and regular communication with researchers. APG urges DORIS to publish and maintain a simple digitized collections inventory listing each collection name, the date the records were digitized or received, the funding source, the approximate item or image count, publication status, any reason the collection is not yet online, and a target publication date.

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<sup>25</sup>[https://nycrecords.access.preservica.com/?s=&hh\\_cmis\\_filter=oai\\_dc.source%2FREC0058+Manhattan+and+Brooklyn+liquor+licenses&saved\\_filters=oai\\_dc.source/REC0058%20Manhattan%20and%20Brooklyn%20liquor%20licenses](https://nycrecords.access.preservica.com/?s=&hh_cmis_filter=oai_dc.source%2FREC0058+Manhattan+and+Brooklyn+liquor+licenses&saved_filters=oai_dc.source/REC0058%20Manhattan%20and%20Brooklyn%20liquor%20licenses)

## Appendix IV: A New Consolidated DORIS Oversight Board: The Library and Archival Review Advisory Board

*What were the historic advisory and review board structures?*

Previously, DORIS was overseen by two boards, the Archival Review Board (ARB) and the Archives, Reference, and Research Advisory Board (ARRAB). ARRAB, as its name makes clear, was an advisory body, while ARB was a true oversight body that operated independently from DORIS. ARB’s core powers gave it the ability to oversee archival organization and preservation work when conducted by an entity outside of DORIS.<sup>26</sup>

The ARB was created by the New York City Council in 2002, after DORIS approved an arrangement in which a newly formed private organization, the Rudolph W. Giuliani Center for Urban Affairs, took custody of the original set of Giuliani administration records—reportedly thousands of boxes—outside normal City archival custody. It raised questions about public ownership, professional processing standards, and whether access decisions could be influenced by the very officials whose records were at issue.<sup>27</sup> It is unclear how often, in its more than 20-year history, the ARB has actually exercised its authority.

Although the Charter requires quarterly meetings of the ARB, going back to at least 2009, we can only document that the board has convened 25 times, an average of slightly more than once annually.<sup>28</sup> Although the board has started meeting with more regularity in recent years, they only convened once in all of 2024. The most recent seven meetings were all joint meetings with ARRAB, which appears to have coincided with the meetings happening more frequently.

This year, the City has moved to consolidate the boards into a new Library and Archival Review Advisory Board (LARAB). We note that APG provided testimony<sup>29</sup> in opposition to the consolidation of these boards, especially the requirement that the commissioner concur when exercising the formerly independent power to inspect documents relating to agreements with external entities. The consolidation of the boards was first sought in the 2024 election, but the measure did not receive enough support.<sup>30</sup>

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<sup>26</sup> <https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCcharter/0-0-0-6585>

<sup>27</sup> In testimony supporting the Council’s push for safeguards, The Society of American Archivists (SAA) agreed that when a public official bypasses the archives, it sends the message that public records can be treated as private property, and that it “effectively removes” official actions from scrutiny by researchers and the public. SAA also drew a direct line to a broader democratic danger—policies that place access decisions in the hands of political actors rather than professional custodians—warning that institutions associated with freedom of information must be strengthened, not weakened. That warning is precisely on point here. <https://www2.archivists.org/news/2002/statement-before-ny-city-councils-committee-on-government-operations-on-the-matter-of-rudo>

<sup>28</sup> <https://www.nyc.gov/site/records/about/archival-review-board.page>. Although DORIS has posted 19 meeting minutes online dating back to 2018, the agency possesses six additional meeting minutes from the prior nine years.

<sup>29</sup> [https://www.apgen.org/docs/APG\\_DORIS\\_Boards\\_Opposition\\_Letter\\_19\\_Feb\\_2026.pdf](https://www.apgen.org/docs/APG_DORIS_Boards_Opposition_Letter_19_Feb_2026.pdf)

<sup>30</sup> [https://www.nyc.gov/assets/records/pdf/2025-04-04\\_minutes\\_from\\_the\\_Feb\\_4\\_meeting.pdf](https://www.nyc.gov/assets/records/pdf/2025-04-04_minutes_from_the_Feb_4_meeting.pdf)

*When will the new board structure go into effect?*

Local Law No. 77 of 2026 was passed by the City Council on March 10, 2026, returned unsigned by the Mayor on April 10, 2026, and takes effect 120 days after becoming law. The Library and Archival Review Advisory Board will have nine members, with appointments due by early September 2026.

*Have the activities of the DORIS boards been publicized?*

There is minimal transparency concerning the regular meetings of the two boards. What little is known generally comes in the form of minutes that are published several months or a year after the meetings take place. While mandated “Annual Reports” regarding the activities of DORIS have been published intermittently by the ARB and ARRAB, in its 2014 Annual Report, the Board noted that it had failed to publish its mandated reports from 2010-2013.<sup>31</sup>

As the new Library and Archival Review Advisory Board (LARAB) is established, we strongly encourage DORIS to embark on a new era of transparency. In the spirit of New York’s Open Meetings Law, DORIS should publicly announce the LARAB board meetings on its website and in the City Register with a link to observe the meeting and resume posting videos of the meetings on its YouTube channel. As recently as 2023, DORIS provided a notice on the ARB webpage listing the meeting dates for the year along with a link for the public to attend the virtual meeting.<sup>32</sup> In 2024, DORIS ended this practice and has not resumed it since.<sup>33</sup>

*Have genealogists been included in these oversight boards?*

Generally speaking, not to our knowledge. Recently, one genealogist *was* appointed to the Advisory Board, but now that the board is being dissolved, it is unclear if any genealogists will remain on the smaller LARAB. Although the meeting minutes show the genealogical collections are frequently mentioned at meetings, we suspect that the members of the board did not have any firsthand knowledge of genealogical collections, and thus cannot properly engage in any dialogue about them. In fact, the sense we have gathered from the minutes is that very few people were ever critically engaging with DORIS’s actions despite these boards existing for decades.

APG urges that more genealogists, professional researchers, or frequent Municipal Archives users be appointed to LARAB, and that the agency publish regular public agendas, livestream links, timely minutes, and annual reports.

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<sup>31</sup> [https://a860-gpp.nyc.gov/concern/parent/gb19f586c/file\\_sets/cj82k7416](https://a860-gpp.nyc.gov/concern/parent/gb19f586c/file_sets/cj82k7416)

<sup>32</sup> <https://web.archive.org/web/20230418172323/https://www.nyc.gov/site/records/about/archival-review-board.page>

<sup>33</sup> <https://web.archive.org/web/20240418164355/https://www.nyc.gov/site/records/about/archival-review-board.page>

## Appendix V: Opaque Pricing Structures

*Where do government agencies usually derive their authority to set fees for their services?*

Fees for government services must be rooted in statute. Sometimes these fees are specifically set by the legislature, and in other cases, agencies are given rulemaking authority to set fees based on certain statutory criteria.

*When and how was DORIS's most recent fee schedule enacted?*

DORIS maintains a separate “fee schedule” for Municipal Archives records (including historical vital records) under its own rules and ordering systems, codified in 49 RCNY § 2-01 (Exhibit J).

*Which statute is used to determine the appropriate charge for records if there are no specific fees stipulated in other state or city laws?*

As a general matter, the Freedom of Information Law (FOIL) governs how much agencies shall charge for records. Under FOIL, the fee for photocopies of regular-size paper “shall not exceed 25 cents per page.”<sup>34</sup> Additionally, if the agency “has the ability to scan records in order to transmit them via email” that would “eliminate any need to collect and account for money owed.”

*What are examples of the fees most commonly charged by DORIS?*

Fees set by 49 RCNY § 2-01<sup>35</sup>:

- \$18.00 Certified Copy of a vital record when certificate or record number is provided
- \$25.00 Certified Copy of a vital record when certificate or record number is not provided
- \$0.25 Per page digitized on demand (when suitable for high-speed scanning)
- \$18.00 Certified Copy of any library or archival record (other than vital records)
- \$12.00 Letter of Exemplification
- \$5.00 Raised seal applied to any library or archival record

Fees Set outside the regulatory process:

- \$18 Department of Finance Property Card
- \$25 Medical Examiner Investigation of Deaths Report

*Is it clear that the NYC Regulation under Title 49, Chapter 2 is allowed to supersede a New York State law including the Freedom of Information Law?*

It is unclear on what basis, if any, DORIS is empowered to set any of its fees above FOIL’s charges for ordinary copies. In its 2022 rulemaking, DORIS only cited two

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<sup>34</sup> <https://opengovernment.ny.gov/freedom-information-law>

<sup>35</sup> <https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCrules/0-0-0-84555>

provisions of the New York City Charter, neither of which appears to bestow wide-reaching fee-setting authority.<sup>36</sup>

§1043(a): “Each agency is empowered to adopt rules necessary to carry out the powers and duties delegated to it by or pursuant to federal, state or local law. No agency shall adopt a rule except pursuant to this section.”

§3008: “The commissioner shall promulgate rules and regulations to effectuate the purposes of this chapter, except that rules and regulations relating to the disposal of records pursuant to section eleven hundred thirty-three shall be issued by the commissioner after consultation with the corporation counsel and the comptroller.”

However, within DORIS’s section of the NYC Charter, Chapter 72, there is no language that clearly addresses fees to be charged or revenue collected for DORIS’s services. This strongly suggests that the Freedom of Information Law remains the applicable law under which fees for plain copies or scans should be determined.

We will touch on the propriety of the fees for vital records, but highlight here that the fees for property cards and medical examiner reports, which are not even based on formal rulemaking, raise serious questions. The separate property card fees were in the original proposed rule in 2020, but were removed in the final rule in 2022, yet the fee is still charged today.

*What factors do New York State law and New York courts usually consider in determining whether government fees are appropriate?*

New York administrative law draws a sharp distinction between (a) having authority to adopt rules and (b) having authority to impose monetary exactions that materially limit access to government services. Where the City intends agencies to impose meaningful fees, the enabling laws typically contain clearer standards or express authority.

New York courts do not require “exact congruence” between a fee and cost, but they do require a rational underpinning and will invalidate charges that operate as revenue measures.<sup>37</sup> Recent decisions emphasize that a fee that “far exceeded” the cost of administration can be treated as an unauthorized tax.<sup>38</sup> The Court of Appeals has also recognized the “rough correlation” concept in evaluating whether charges function as lawful user fees or unlawful taxes.<sup>39</sup>

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<sup>36</sup> <https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCcharter/0-0-0-1>

<sup>37</sup> *Watergate v. Buffalo Sewer*, 46 N.Y.2d 52 (1978), available at <https://law.justia.com/cases/new-york/court-of-appeals/1978/46-n-y-2d-52-0.html>

<sup>38</sup> *Matter of WG Woodmere, LLC v. Nassau County Planning Commission*, 230 A.D.3d 697, 699 (2d Dep’t 2024), available at <https://www.nycourts.gov/courts/ad2/Handdowns/2024/Decisions/D74406.pdf>

<sup>39</sup> *Matter of Walton v. New York State Department of Correctional Services*, 13 N.Y.3d 475, 485 (2009), available at [https://www.nycourts.gov/Reporter/3dseries/2009/2009\\_08665.htm](https://www.nycourts.gov/Reporter/3dseries/2009/2009_08665.htm)

*What was DORIS's framing during the 2022 rulemaking? Is that in conflict with the above?*

When DORIS adopted the current fees in 2022, they stated that “cost” includes items like digital reformatting and digital storage/retrieval and framed the schedule as supporting “long-term preservation.”<sup>40</sup> That framing invites a challenge that most of the fees enacted in 2022 are not merely recovering the marginal cost of providing a scan or paper copy, but are instead cross-subsidizing broader programmatic infrastructure, exactly the sort of revenue-raising rationale courts scrutinize. Put plainly: if “preservation” and general infrastructure are embedded in per-request certification pricing rather than funded through normal appropriations, DORIS’s fee begins to resemble a tax on access, not a user fee.

*What was the situation when DORIS first introduced the fee rule codified in 2022?*

The fee rules codified in 2022 were first introduced in October 2020 and were subject to significant feedback from professional and hobbyist genealogists. Before that time, the fees had last been formally updated in 2009.<sup>41</sup> As of the mid-2000s, a certified copy of a vital record cost \$6, and at some point in the early 2010s, the fee was raised to \$11,<sup>42</sup> although it does not appear that the increase was subject to proper public notice and thus may not have ever been legally promulgated.<sup>43</sup> At any rate, the fee was always a bit higher in cases where they had to conduct the search for the certificate number.

*How does DORIS define a “certified” record?*

DORIS’s own rules define certification as “a true and complete copy of the original record held by the Department of Records and Information Services and includes a signature and/or seal of an attesting official.”<sup>44</sup> In practice this is achieved by printing the “true and complete copy” statement along with preprinted, rather than original wet-ink signatures of the Commissioner and the Municipal Archives Director (Exhibit K).

*Is this basic “certified” copy sufficient for presenting this record as certified for legal purposes?*

No. True certified copies of U.S. vital records are generally printed on security paper and have either a wet-ink signature, an embossed seal, or both. Government agencies will generally not accept an easily reproduced certification page with no enhanced security features. A certified record, as DORIS currently produces it, is essentially only certified to DORIS. In fact, as recently as the mid-2010s, DORIS issued all records with an embossed seal, and even printed on the back of each document that a “certificate should

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<sup>40</sup> <https://rules.cityofnewyork.us/wp-content/uploads/2020/09/NOTICE-OF-ADOPTION-OF-FINAL-RULE-REGARDING-FEES-AND-ACCESS-TO-MUNICIPAL-ARCHIVES-AND-LIBRARY-MATERIALS-2022-03-29.pdf>

<sup>41</sup> <https://www.nyc.gov/assets/dcas/downloads/pdf/cityrecord/2009/cityrecord-01-14-09.pdf>

<sup>42</sup> <https://web.archive.org/web/20121103115818/http://www.nyc.gov/html/records/html/vitalrecords/home.shtml>

<sup>43</sup> In the 2020 proposed rule, DORIS finally removed the \$6 fee, with no mention of the \$11 fee that they had already been charging for many years.

<sup>44</sup> <https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCrules/0-0-0-84555>

not be accepted unless the raised seal of The Department of Records and Information Services is affixed thereon” (Exhibit L).

*Will DORIS provide a more traditional certified copy? Are there extra charges for this?*

As detailed above, the \$18 basic “certified” copy provided by DORIS is generally not accepted as such. In order to use these records for any legal process, we must pay additional fees for additional services. The charge is \$12 for a Letter of Exemplification, which provides both an ink signature and an embossed seal, or \$5 for just the embossed seal, resulting in a true cost of \$23-\$30 for a true certified copy. (A seal is sufficient for domestic purposes, but an ink signature *and* seal are needed when using the document abroad.)

APG recognizes that these costs are not egregious, but most members of the public would expect a certified copy to include all the features necessary to use a document for legal purposes. We believe DORIS should be transparent about the true costs of its services.

*Because some records, including many Manhattan deaths and City Clerk marriage licenses, are not yet digitized, how does DORIS charge fees for PDF scans of those documents?*

Under FOIL, an electronically reproduced scan should be provided at no charge, or if it involves an intermediate paper copy, at 25 cents per page, which would mean that these records should cost less than \$1.00. DORIS will provide scans of these records via email. However, DORIS does not distinguish these electronic PDFs from certified records and charges \$18.00 for one.

Agencies frequently claim that certification of vital records is necessary for the security of the documents. However, DORIS has published the majority of its vital records online, totaling millions of records, as uncertified PDFs, to which the public has free access.

*Are there other New York City laws that govern how much certified records should cost?*

There is an often-ignored section of the City Charter that is arguably the operative statute on certification costs. Under Chapter 47: Public Access to Meetings and Information, Section 1058:

The heads of all administrations and departments, except the police and law departments, and the chiefs of each and every division or bureau thereof, and all borough presidents shall, with reasonable promptness, furnish to any taxpayer desiring the same, a true and certified copy of any book, account or paper kept by such administration, department, bureau or office, or such part thereof as may be demanded, upon payment in advance of ten cents for every hundred words thereof by the person demanding the same.<sup>45</sup>

Although this charter provision was likely not drafted with vital records or DORIS in mind, DORIS, as a Department of the City of New York, would clearly be subject to it

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<sup>45</sup> <https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCcharter/0-0-0-6170>

regardless, and vital records are certainly “paper.” Under this fee regime, a certified copy of a vital record of several hundred or thousand words would generally cost under \$1, or \$3 at most.

*Were uncertified copies of vital records available directly from DORIS prior to the digitization project?*

No. For decades, DORIS insisted that vital records could *only* be provided to researchers as certified copies, banning photocopying and photography. These restrictions existed for no other collections. This appears to function only to maintain a revenue source.

*If DORIS provides millions of uncertified records online for free, can you just go to the archives and take your own photograph of a not-yet-digitized vital record?*

Yes, although that is a fairly recent change. Even today, DORIS’s regulations contain the phrase “Researchers may not photograph or scan archival material” and state that “Photocopying-Self-Service” is “not available for vital records.” For many years, the vital records room contained signs forbidding photographing records. DORIS should update its formal regulations as soon as possible to reflect this change in policy.

*Did genealogists previously provide feedback to DORIS when its fee regulations were last proposed in 2020?*

Yes. Over 100 individuals, largely genealogists, submitted public comments. Nearly all of them opposed the fee hike.<sup>46</sup> Any fees function as barriers to accessing the history of individuals and communities, but we view this as especially problematic if the fees are based on improper or unclear legal authority. DORIS has long taken the position that they do not have to produce archival records under FOIL, despite the significant legal exposure from such a position. They have been successfully sued on these exact grounds in the past, where the courts have affirmed that archival records must be copied pursuant to FOIL.<sup>47</sup> It is disheartening that an archive, of all places, had to be reminded of these obligations by the courts.

A genealogist may need to spend hundreds or thousands of dollars on vital records simply because of the arbitrary rules described above. These costs are passed on their clients, the general public. DORIS appears to view these fees as a source of revenue because the purchase of otherwise unnecessary certified copies costs an exorbitant \$18 each.

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<sup>46</sup> Municipal Archives and Municipal Reference Library – Fee Schedule Public Comments at <https://rules.cityofnewyork.us/rule/32136/>

<sup>47</sup> *Reclaim the Records, et al. v. The City of New York, et al*, No. 159537/2018, Decision and Order, Doc. No. 27, available at [https://iapps.courts.state.ny.us/nyscef/ViewDocument?docIndex=27UMi6goIFDK8UNx5e\\_PLUS\\_F6g==](https://iapps.courts.state.ny.us/nyscef/ViewDocument?docIndex=27UMi6goIFDK8UNx5e_PLUS_F6g==)

## Appendix VI: Archives Are Chronically Underfunded

While genealogists are frequently dismayed by the policies and actions of the Department of Records and Information Services, these issues stem in no small part from the failure of the City of New York to properly fund the agency. This failure dates back decades. In the last decade, DORIS has actually made significant strides to make its collections more available. DORIS opened a new state-of-the-art facility in Brooklyn,<sup>48</sup> launched new digital repositories and catalogs, and, despite the delays, put millions of digital objects online.<sup>49</sup> This is no small feat.

That said, New York City has an economy and history rivaling many countries. Our historical record is vitally important to world history, and it is troubling that our archives pale in comparison to many others. As recently as 2018, archivists reported that vast quantities of the agency's holdings were not only unprocessed, but actually unaccessioned,<sup>50</sup> archival shorthand for records whose contents have not yet been formally identified.

In fact, in recent years, DORIS has discovered that it had collections of hundreds of thousands of vital records (and adjacent) documents that were never before understood by the researcher community to exist. Collections such as the *Marriage Contracts*, *Marriage Registers* and the *Marriage Licenses not Returned* document countless New York stories that were thought lost. We can only imagine what other records, speaking more broadly to the story of New York and its people, are sitting untouched.

Reforming the agency to be more patron-centric will not solve that problem. That is largely a funding problem. The costs to properly document the full holdings of the Archives would likely be staggering. But any increase would help. The previous administration did the opposite and cut DORIS's funding.<sup>51</sup> The Archives had to cut two staff positions. That will only increase the backlogs, leaving them buried in more and more records every day.

Archives everywhere are being squeezed. But New York should be a leader in this critical area—preserving the authentic records of our past to better understand our identity today. Only with a sustained commitment to funding the archives and hiring professional archivists can DORIS achieve the level of access that peer institutions across the globe already provide.

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<sup>48</sup> Municipal Archives Opens New Facility in Industry City, Brooklyn at

<https://www.archives.nyc/blog/2021/11/5/xrfj3sljj9qtomotpcbum8dvc4oc0w>

<sup>49</sup> <https://www.nyc.gov/assets/records/pdf/ARB%20FY23-24%20Report%20Final.pdf>

<sup>50</sup> Building Access Infrastructure at the NYC Municipal Archives at

[https://static.sched.com/hosted\\_files/archives2018/d7/session510-HiltonGreer.pdf](https://static.sched.com/hosted_files/archives2018/d7/session510-HiltonGreer.pdf)

<sup>51</sup> FY 2024 Preliminary Mayor's Management Report for DORIS at <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2024/03/860-DORIS.pdf>