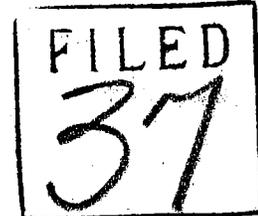


**BUREAU OF VITAL  
STATISTICS:**

The Bureau of Vital Statistics in the State of Missouri may separate the health and medical section of the Standard Certificate of Live Birth from the upper portion of the certificate, and the health and medical section may, after analysis and preservation on IBM cards, be destroyed.

December 24, 1959



Honorable H. M. Hardwicke, M.D.  
Deputy Director  
Division of Health  
221 West High Street  
Jefferson City, Missouri

Dear Dr. Hardwicke:

Your recent request for an official opinion reads:

"May we have an opinion concerning the legal right of the Bureau of Vital Statistics, Missouri Division of Health, to separate the health and medical section of the Standard Certificate of Live Birth from the upper portion of the certificate so that the health and medical section, after analysis, can be destroyed; while at the same time, the Division could make it mandatory that the attendant at the birth complete the health and medical section. There are at least three essential medical questions that will remain on the permanent portion to be kept.

"The Missouri Division of Health, because of an increased interest in the medical aspects concerning the pregnancy and delivery of a child, has found it necessary to increase the size of the birth record so that additional health information can be collected. Because this increase would necessitate additional storage space, it is felt that after the information has been analyzed, the original health and medical section is of no value to the Division and therefore should be destroyed so that storage space could be saved. While the second half will be destroyed, it will be permanently kept on I.B.M. cards but will not be identified as to what birth it represents.

Honorable H. M. Hardwicke, M.D.

"In the past the health and medical section of the Division was considered confidential. It is planned this will still be confidential and is being collected for statistical purpose.

"Enclosed please find copies of the Standard Certificates of Live Birth for the state of Kansas and District of Columbia. These certificates have been submitted for your information because the proposed Standard Certificate for the state of Missouri would closely resemble the enclosures.

"We are enclosing a copy of the Missouri Standard Certificate as now being used. We believe the precedent for this being done is shown by the enclosed two certificates and the fact that approximately sixteen other states have a certificate of the same type."

Your inquiry is whether you have the authority to separate the health and medical section of the Standard Certificate of Live Birth from the upper portion of the certificate so that the health and medical section, after analysis, can be destroyed. This you wish to do, you inform us, in the interest of conserving storage space.

Section 192.060, RSMo 1949, requires the Division of Health to obtain and "preserve" information regarding births and deaths. It would clearly appear from this section that the methods, forms and manner of obtaining and preserving this information is left very largely to the discretion of the division.

Numbered paragraph 3 of Section 193.030 adds to this impression. This paragraph reads:

"The division shall:

(3) Make and may amend, after notice and hearing, necessary regulations, give instructions and prescribe forms for collecting, transcribing, compiling and preserving vital statistics."

Honorable H. M. Hardwicke, M.D.

In view of the above, we believe that, as we stated, the method by which the information will be obtained and preserved is largely left to the discretion of the division. It appears to us that you are simply asking whether you can change the present form and manner of preserving certain information since you state that "while the second half will be destroyed, it will be permanently kept on IBM cards \* \* \*." Since all of the information which is now preserved will continue to be preserved but simply in a different manner, and since, from the statutes quoted above, it seems clear that wide discretion is conferred upon the division as to the manner of obtaining and preserving the information in question, that it would be within the discretion of the division to change the manner of preserving the information in the manner set forth in your above opinion request.

#### CONCLUSION

It is the opinion of this department that the Bureau of Vital Statistics in the State of Missouri may separate the health and medical section of the Standard Certificate of Live Birth from the upper portion of the certificate, and that the health and medical section may, after analysis and preservation on IBM cards, be destroyed.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Hugh P. Williamson.

Yours very truly,

JOHN M. DALTON,  
Attorney General

HPW:ax/om